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THE
HISTORY
OF THE
INQUISITION:

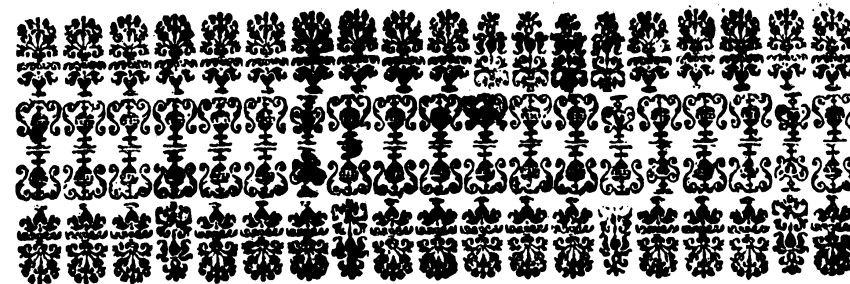
Composed by the Reverend
Father PAUL SERVITA, who
was also the Compiler of the
Councill of *Trent*.

A Pious, Learned, and Curious
*Worke, necessary for Councillors,
Casuists, and Politicians.*

Translated out of the Italian Copy by ROBERT
GENTILIS.

LONDON:

Printed by J. Oakes, for Humphrey Mosley, and are to be
sold at his shop in Pauls Church-yard, at the
signe of the Princes Armes. 1639.



The Printer to the Reader.

THe hidden Treasure
never availed any, as
Solomon the wise said.
This present Booke,
like to a great Treasure was al-
wayes much Esteemed by the
best Politicians, but it lay hidden
because it went not abroad, but
in a Manuscript, and came onely

To the Reader.

to the hands of the Governours of the Venetian State, and of some few forraigne Princes, who by especiall favour were made partakers of it. Now a liberall hand which desireth the common good, by meanes of my Presse, hath communicated it to the world, that every good States man may participate of it. Receive it with a cheerefull countenance, and beleve it will not a little profit thee and others. Farewell.



The History of the Inquisition, and particularly of the *Venetian*.

With the Motives which caused that most Renowned Common-Wealth of *Venice* to make divers Ordinances touching this matter.

To the Most Renowned Duke of Venice :
F. P. V. S. wisheth all happinesse.

PERFORMING with all due reverence the command laid on me by your Highnesse to draw unto a head, and set downe in order all matters which concerne the Office of the Inquisition against Heresie: I have found all things so well ordered in times past, by the Counsellors of this most Renowned Common-wealth, that there needeth no other thing to be done, but onely to put together that which on divers occasions hath bene determined, bringing to passe that which was deliberated by the most excellent Councell of Ten, and in the yeare 1550. the 22 of *November*, the 8 Chap. *vid.* that throughout all the *Venetian* Dominion should bee an uniforme

forme proceeding, and conformable to what is observed within this renowned City: As also it was agreed upon betweene Pope *Julius* the third, and this most illustrious Common-Wealth, in the year 1551. Chap. 18. 19.

Which in my respectfull opinion may easily be done, if the orders made upon severall occasions be reduced unto Chapters, and thence as it were a recapitulation framed, wherein shall briefly and summarily be set downe so much as is necessary to be observed, and Copies may be given either of the Heads alone, or joyned with the aforesaid determination it shall seeme best.

I will first gather the Heads, then will I adde the considerations and causes for which these Orders were first established to the Honour of God; for the which it is also necessary to continue the keeping of them, for the maintenance of holy Religion, and publicke quietnesse.



CHAP. I.

That as in Venice by a publicke and ancient decree there are deputed three Senators, Inquisitors against Heresie, to be present at all which is done by the Friers Inquisitors; so in other Cities of the State, the Governours shall be present at the framing of Processes made by the Inquisition.

CHAP. II.

That the Governours of the Cities, having some lawfull let to hinder their presence, they shall cause the Podesta his Deputie, or some other of the Court of Justice to supply their place.

CHAP. III.

That no Governour, having any intimatenesse with Rome, shall be an assistant to the aforesaid framing of Processes.

CHAP.

CHAP. IV.

That the Assistants Office shall be onely to be present, without doing any thing else, and if any doubt arise, to make it knowne to the Prince.

CHAP. V.

That the assistants shall not sweare faithfulnessse or secrecie to the Inquisitors.

CHAP. VI.

That the Governours shall from time to time give the Prince account of what is done in the Office of the Inquisition.

CHAP. VII.

That the same Governours shall give notice to the Prince, and the Embassadour of Rome, of the death of the Inquisitor, or of the occasion of changing him.

CHAP. VIII.

That the Governours shall not admit of any Inquisitors in the Cities by them governed without the Princes Letters.

CHAP. IX.

That the Governour shall assist not onely in Secular mens causes, but also in Ecclesiasticall and Regular mens, though they were of the Inquisitors Monasterie.

CHAP. X.

That the Governours shall not suffer any act to be made after denuntiation without their presence.

CHAP. XI.

That although the Inquisitors should impart the businesse to them, yet the Governours should not forbear to be present thereat.

B

CHAP.

CHAP. XII.

That the Ecclesiasticall persons having framed a Proceſſe without their aſſiſtance, the Governours ſhall cauſe it to be framed againe before them.

CHAP. XIII.

That they ſhall doe the like, though the Proceſſe were to be ſent out of the State.

CHAP. XIV.

That in the Proceſſe, mention ſhall be made of the Governours aſſiſtances, or their Deputies.

CHAP. XV.

That no Decrees, or Precepts, which come from out of the State, ſhall be put into any Proceſſes.

CHAP. XVI.

That neither the Proceſſes, nor the Priſoners ſhall be ſent out of the Dominions, without the Prince have notice of it.

CHAPT. XVII.

That the Prætoriall Vicar, or other of the Court being aſſiſtants ſhall not be Conſulters.

CHAP. XVIII.

That the Governours ſhall not ſuffer the impriſonment of any, before the Proceſſe be framed.

CHAP. XIX.

That they ſhall not ſuffer the Inquiſition to meddle with Inchantments, and Sooth-Sayings, if they doe not containe Hereſie.

CHAP. XX.

That they ſhall doe the ſame by Herball Inchantments, Witchcrafts, and Sorceries.

CHAP.

CHAP. XXI.

That ordinary blaſphemies ſhall not be judged by the Inquiſition, nor wounding of Images, nor irriſions committed by ſinging of Pſalmes or impure Letanies.

CHAP. XXII.

That the delict of having two Wives ſhall not belong to the Inquiſition.

CHAP. XXIII.

That the Aſſiſtants ſhall not ſuffer the Inquiſition to meddle in caſes of Vſury.

CHAP. XXIV.

That the Inquiſition ſhall not in any cauſe proceed againſt Jewes or Infidels.

CHAP. XXV.

That the Inquiſitors ſhall not proceed againſt the Greekes.

CHAP. XXVI.

That he that ſhall be thought to have done againſt the Faith beyond the Alpes, ſhall not be cited by Criers, nor by affixment of Scedules.

CHAP. XXVII.

That the Inquiſition ſhall have nothing to doe with the goods of condemned perſons.

CHAP. XXVIII.

That no Bull ſhall be publiſhed by any Order from the Congregation of Rome without the Prince his Liſenſe.

CHAP. XXIX.

That the Inquiſition ſhall not cauſe any prohibition of any ſort of Bookes to be printed, without the obſerving the conditions of the agreement.

CHAP. XXX.

That the Inquiſition ſhall not command any that is of a Secular Art, or profeſſion.

B 2

CHAP

CHAP. XXXI.

That the Inquisitor shall not cause Artificers to be sworne unto them.

CHAP. XXXII.

That the Inquisitor shall not make any Precept or Monitory for the Commonalty, or for the Judges.

CHAP. XXXIII.

That the Inquisitors shall not publish any Edict, containing more than the sixe ordinary Heads.

CHAP. XXXIV.

That cases which shall happen in Townes or Villages shall bee decided in the Cities to which they are subject.

CHAP. XXXV.

That a case happening in a place whereto no Inquisition properly belongeth, the delinquent shall be sent to the place where hee is questionable for spirituall matters.

CHAP. XXXVI.

That contumacious persons shall be banished, either diffinitively, or for a time, as it shall seeme best to the Inquisitors.

CHAP. XXXVII.

That the Inquisitors shall make such Proclamations as they shall please against such as are escaped out of their Prisons.

CHAP. XXXVIII.

That those which are Inquisited or Cited for Heresie, flying within the State, shall bee condemned for foure yeares to prisons. separate from other Prisons.

CHAP. XXXIX.

That the Inquisition shall punish false accusers, and false witnesses, when the false-hood appeares by the same Procelle, otherwise it shall belong to the Governours.

Behold



BEhold heere most illustrious Prince, the summe of all the aforesaid nine and thirty Chapters, now resteth to shew unto your Highnesse the reason of them all : but first that we may discourse more soundly, it will be needfull for me to relate when, how, and for what cause the office of th'inquisition was instituted in Christendome ; and at what time, and in what forme it was admitted into this famous City of *Venice*.

Beginning therefore from thence I will say, that although Heresies by Divine permission, were sowne in the World, for the exercise and triall of good Catholicks, even in those times as the Church began, &c. after our Lords Ascension, yet the particular office of th'Inquisition against Hereticks, did not beginne till after the yeare one thousand two hundred.

The Holy Apostles left for a remedy to this pestilence, that the Heretick should be admonished once or twice, and that perishing in his obstinacy, Catholicks should separate themselves from his fellowship, and excommunicate him. Nor was there any further proceeding untill *Constantines* time, who embraced the holy Faith, and was after imitated by his successors. Then amongst other things the Saints taught Princes, that they having two callings, the one of Christians, the other of Princes; were bound in both of them to serve God as Christians, in observing of the Divine precepts, as every other private Person; but as Princes, serving his Divine Majesty with well ordering of Lawes, and directing their subjects to Piety, Honesty, and Justice; punishing all such as transgreffe the Divine Commandements, and especially those of the Decalogue : For those that sinne against the first Table, which concerneth Divine honor, are worse than they who sin against the Second; which concerneth Justice among men : Wherefore Princes are more bound to punish Blasphemies Heresies, and perjuries; than murders and thefts : For this cause were divers Lawes made against Heresies, which are Registered in the *Iustinian & Theodosian* Codes, imposing upon the guilty pecuniary mulcts, banishments; privation of part, or of all their goods, according to the circumstances of the offence, the execution of which Lawes was committed to their secular Officers.

B 3

Every

Every criminall Judgement hath three parts; the Cognisance of the cause of the delict, the Cognisance of the fact; and the sentence. In the Judgement for Heresie, the Cognisance of the reason is, whether such an opinion be Hereticall or no: The Cognisance of the fact is, whether a Person so accused, or denounced, hath defended or held; or shewed any token of holding that opinion: The sentence consisteth either in absolving the guiltlesse from an imputation, or condemning him that he is found guilty. The first Cognisance, what opinion is Hereticall, was alwayes Ecclesiasticall, neither can it any way belong to the secular Power; and when in those dayes there grew any difficulty upon some opinion, the Emperours did require the judgement of Bishops; and if neede were did call Counsels: But the Cognisance of the fact, whether the accused Person were innocent, or guilty, that he might have the punishment ordained by the Lawes; and the sentence of Condemnation, or Absolution, did all belong to the secular Power.

Some of the holy Bishops and Prelates of those times, after they had declared what opinions were Hereticall, and had separated from the Church as excommunicate, and anathematized those that did hold them; enter-medled no further, nor durst give notice thereof to the Magistrates; holding it to be no worke of entire Charity. Others having perceived, that feare of the secular Magistrate did overcome the pertinacy of the obstinate, and did worke that, which love of the Truth could not doe; held it as their duty to make knowne the Hereticall Persons, unto secular Judges; together with their erronious opinions, and to excite them to put the Imperiall Lawes in execution: But because sometimes a Heretick Preacher did cause some notable trouble, the Judges regarding the sedition more than the heresie, did proceede also to Capitall punishments; the Church-men did in these cases forbear to appeare before the tribunall, and did alwayes use unfeigned exhortation to the Judges, that they should inflict no punishments of blood upon the delinquents. St *Martin* in *France* excommunicated a Bishop, because he had accused certaine Hereticks to *Maximus* Usurper of the Empire, which by him were put to death. St *Augustine* also most zealous of the purity of the Church, to cleare it of this evill seede; did often and earnestly desire the Proconsuls, Counts, and other Imperiall Ministers in *Africke*, for to execute the Princes Lawes; and would make knowne unto them the places where Hereticks held their conventicles, and did discover the Persons: But alwayes when hee

saw

saw any Iudge inclined to proceede against the life, hee earnestly prayed him, by the mercies of God, by the love of Christ, and such like urging intreaties, that hee should desist from punishments of blood: And in an Epistle to *Donatus* Proconsul of *Africke*, hee tels him plainly, that if hee doe persevere in punishing of Hereticks, with the losse of their lives, then the Bishop would forbear giving notice of them; and not being made knowne by others, they would rest unpunished, and the Imperiall Lawes unexecuted: Whereas proceeding mildly and without blood-shed, they would have bin vigilant in discovering them; and notifying of them for the Service of God, and execution of the Lawes.

In this manner were things handled in the Church, for causes of heresie under the *Roman* Empire, untill the yeare of our Salvation 800. when the *Easterne* Empire being divided from the *Westerne*, this forme rested in the *Easterne* untill the end of it.

In the *Westerne*, the Princes needed not make any Lawes, nor take much care about this businesse; seeing that for the space of three hundred yeares, from 800. to 1100. there were very few Hereticks found in these parts, and when any case did happen (which chanced but very seldome) the Bishop did Iudge of it, in the same manner as he proceeded against Ecclesiasticall Persons; as against infringers of the Holy-dayes, breakers of Fasts, and such like, judging and punishing them themselves, in those places where they had jurisdiction granted them by the Princes; and where they had not the like power, they did implore the secular ayde to punish them.

After the yeare 1100, by reason of the continuall unkindnesses, which for fifty yeares before had bin betwene the Popes and the Emperours, and lasted afterwards for a whole age, untill 1200. with frequent Warres, and scandals, and the little Religious life of the Clergy, there did arise an infinite number of Hereticks, whose most common heresies were against the Popes Authority: In those dayes the plague of heresie grew so fast, that where the multitude exceeded, there was a forced tolleration: A Bishop where he could, did proceed in those causes: the Popes of *Rome* did with frequent Letters exhort, and excite them to their duties: neither untill the yeare 1200 was ever heard the name of the Office of the Inquisition, or of Inquisitor against Heresie: But the Bishops & their Vicars being little able, and lesse diligent to performe that which the Popes desired, and had beene necessary to have beene done, there were in those dayes most opportunely instituted the two Religious Orders of St. *Dominick* and St. *Frances*, which in short time were filled up with the most zealous

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lous and learned Persons of that Age, altogether given to the maintaining of the Church of *Rome*, and the Pontificall authority; whom the Popes using against Hereticks, they sent them to Preach, and to convert them; to exhort the Princes and Catholicke Nations to persecute the obstinate, and to informe themselves in each place of the number and quality of Hereticks, of the Zeale of the Catholicks, and diligence of the Bishops; and to bring their relations to *Rome*, from whence they had the names of Inquisitors: Yet had they no Tribunall, onely sometimes they would excite some Iudge to banish or punish those Hereticks which they found: sometimes they would stirre up some Potent men to take Armes against them; sometimes they did excite the people, sowing a crosse of red cloth upon the garments of such as would dedicate themselves to such an action, and would unite them, and bring them on to the extirpacion of Hereticks; and this lasted for the space of fifty yeares: viz. untill the yeare one thousand two hundred and fifty.

This enterprize of the Fathers Inquisitory was much furthered by the Emperour *Frederick* the Second, who in the yeare 1244. being in *Padua*, set forth foure Proclamations concerning this matter, receiving the Inquisitors into his protection, and imposing the penalty of fire upon obstinate Hereticks, and upon penitent ones perpetuall imprisonment, committing the Cognisance thereof unto the Ecclesiasticall Persons, and the condemning of them unto secular Iudges: and this was the first Law that imposed punishment of death upon Hereticks, which Law (by reason of the cruell discords that arose in those dayes, betweene the Emperour and three Popes successively) did not bring forth that good effect of rooting out the sprung up Heresies, but being all busied in Warres and dissensions, as well the Popes and other Prelates, as the Emperours and his Ministers; Heresie had time to take roote and increase. Finrly, the Emperour *Frederick* dying that same yeare, and the businesse of *Germany* being in a confusion, and *Italy* in an *Interregnum* which lasted three and twenty yeares; Pope *Innocent* the Fourth, remaining through the death of the Emperour as it were Arbitrator in *Lombardy*, and some other parts of *Italy*, applyed his whole study to the rooting out of Heresies which were much increased in these late troubles: and having considered the good the *Dominican* and *Franciscan* Friars had done in this businesse.

Through their diligence having no respect of persons or dangers therein, he held it as his onely remedy to imploy them, not as before
onely

onely to Preach, and assemble men marked with the Crosse, and to doe extraordinary executions, but with giving them a stable Authority, and erecting them a firme Tribunall, which should have care of nothing else. To this, two things opposed themselves: the one was how they might without confusion take away cases of Heresie from the Episcopall jurisdiction, which had alwayes judged them, and set up an Office proper to them alone. The other thing was, how they might exclude the secular Magistrate, to whose judgement was committed the punishing of Hereticks by the ancient Lawes of the Empire, by the last Lawes of *Frederick*, and by peculiar Statutes which each City was forced to make, for feare of overthrowing her government in those great tumults. To the first inconvenience the Pope found this remedy, which was to make a Tribunall, composed of th'Inquisitor and the Bishop, in which th'Inquisitor should not onely be chiefe, but, all and the Bishop should have little more than a name in it; and also to give some appearance of Authority to the secular Power, he gave him leave to appoint Officers to the Inquisition, but to be chosen by the Inquisitors themselves; to send with the Inquisitor, when any of his Assessors did goe about the Country, but of the Election of the Inquisitor himselfe, to apply one third part of goods confiscate to the Commonalty, and such like things, which in shew made the Magistrate the Inquisitors companion, but in substance his Servant: There remained to provide money for expences which would arise, in keeping of Prisons, and feeding of Prisoners, for which it was ordered that the Commonalty should pay: And so it was ordered, he being in *Brescia* in the yeare 1251, and the *Dominican* Fryers were deputed Inquisitors, in *Lombardy*, *Romanie*, and *Marca Trivisana*. Seven Moneths after the Pope writ a Bull to all the Governors, Councells and Commonalties of those three Provinces, setting them downe one and thirty heads which they should observe, for the prosperous successe of the new Office, commanding that they should be Registred in the Commonalties Statute Bookes, to be inviolably observed. Then he gave the Inquisitors power to Excommunicate and interdict them, if they did not observe them. The Pope did not at that time extend himselfe any further, to bring in th'Inquisition into other places of *Italy*, or without saying that those three Provinces were most under his eyes, and best of him beloved: but the chiefe cause was, because in these his Authority was great, they having no Prince, and each City governing it selfe; wherein the Pope had also a part, because hee had assisted them in these last

Warres : Yet for all this the Edict was not easily received, whereupon *Alexander* the fourth his successor, seaven yeares after *vid.* in the yeare 1259. was constrained to moderate and renew it, Commanding the Inquisitors neverthelesse, with censures to force the Governors for to observe them. For the same cause *Clement* the Fourth, sixe yeares after that, *vid.* 1265. did renew it in the same manner ; yet was it not fully executed, so that foure other ensuing Popes were constrained to imploy themselves in over-cōming those difficulties ; which thwarted them in causing the Office to be admitted in some places : These difficulties did arise from two heads : The one was the indiscreet severity of the Friars Inquisitors, their Extortions, and other grievances : The other was because the Commonalties did refuse to beare the charges : therefore they resolved to lay downe that pretence, of having the charges borne by the Commonalty. And for to temper the excessive rigor of the Inquisitors, they gave some part of Power more unto the Bishop, which was the cause of bringing in the Office with lesse difficulty into these three Provinces of *Lombardye*, *Romanie*, and *Marca Trivisana*, and afterwards into *Tuscan* ; and so it passed into *Arragon*, and into some Cities of *Germany* and *France* : it was not brought into the Kingdome of *Naples*, by reason of the small correspondency which was betweene the Popes, and the Kings of that Kingdome.

It was soone taken out of *France* and *Germany*, some of the Inquisitors being driven out of those places for their rigors, and extortions ; and other some going away for want of employment : For which cause they were also reduced to a small number in *Arragon*, since they had not yet penetrated into other Kingdomes of *Spaine*.

In the yeare 1484. the Catholick King *Ferdinand*, having extinguished the Kingdome of the *Mahometans* in *Granata*, to purge his, and his Wife *Elizabeths* Kingdomes from the *Moores* and *Jewes* newly converted, erected with the consent of Pope *Sixtus* the Fourth, a Tribunall of the Inquisition in all his Kingdomes of *Spaine*, *Sicily*, and *Sardinia* which were by him possessed, in the forme which it lasteth into this present ; by which Tribunall are judged, not onely these which are accused of *Mahometisme*, or *Judaisme*, but also of Heresie. The forme which was then brought in, and doth yet last, is, that the King nameth an Inquisitor Generall throughout all his Kingdomes to the Pope, and his Holinesse doth confirme him ; and for the rest, the Court of *Rome* is not admitted to entermeddle any further. The Inquisitor named by the King, and confirmed by the Pope

Pope nameth the particular Inquisitors in every place, which neverthelesse cannot enter into their charge without the Kings approbation : The King also deputeth a Councell or Senate upon this business, in that place where the Court is, of which the supreme Inquisitor is President : and this Councell hath supreme jurisdiction, consults of all the businesses, makes new Orders when it seeth any need ; determines differences betweene particular Inquisitors, punisheth the defects of the Officers, heareth the appeales, & doth not put them over to any oath : But the King his royal Councell, would have the Inquisition to bee brought into the Kingdome of *Naples*, & subjected to that of *Spaine*, as also in *Sicilio*, *Sardinia*, & the *Indies* : & the Court of *Rome* would have it depending from it, alleadging therefore, besides the Pontificall spirituall Authority, the Temporall superiority which the Pope hath in that Kingdome. In the yeare 1547. *Don Frederico di Toledo* being Vice-roy there, would overcome these difficulties and came to execution ; which thing excited such a commotion and sedition amongst the people, that it was almost growne to a Warre betweene them and the presidiary *Spaniards*, and the *Spaniards* getting the Victory, being Masters of the Forts, the tumult was quieted, and the principals were punished, some with death, and some with exile : Yet he left off his enterprize of bringing in the Inquisition, not so much for feare of a new tumult, as through the effectuall intercession of the Pope and Cardinals ; the thought of bringing to passe this their intent, remaining still in *Spaine*, and in *Rome* a resolution to oppose it ; so that to this day there is no Inquisition in all that Kingdome, and if that any case happeneth, it is dispatched by the Bishop, or else it is delegated from *Rome* to some other Prelate, who notwithstanding doth nothing unlesse hee have first leave from the Vice-roy. In the Low Countries, since the springing up of the *Lutheran* Sect, the Hereticks were punished by the secular Magistrates, without any other Office of Inquisition ; sometimes with death, sometimes with banishment, which Magistrates relenting from their rigor by reason of the multitude of Hereticks, in the yeare 1550. the Emperour *Charles* the Fifth resolved to bring in the Inquisition after the *Spanish* manner, and thereupon published a Decree ; but being advertised by *Mary* Queene of *Hungary* his Sister, and Governesse of those States, that all the forraigne Merchants would bee gone, and the Cities would be without Trafficke, he declared by another Edict, that th' Inquisition should have no power upon strangers ; and for the Natives, he did much mitigate the forme

forme of it, yet was it not put to execution according to the Emperours minde, but onely imperfectly; and the punishing of Hereticks for the most part rested in the Magistrate, and slackned continually more and more: Wherefore *Philip King of Spaine* tryed in the year 1569 and the yeares following, againe the bringing in of the *Spanish Inquisition* after divers wayes, but could by no meanes establish it by reason of divers resistances, till that in the year 1567 it was by force of Armes established by the Duke of *Alva*, and being brought in, immediatly succeeded the Warres, and was still more and more restrained, both in scope and Authority, untill it was brought to nothing, in which state it remaineth at this present.



The beginning of the Inquisition of Venice.

THE Renowned City of *Venice* by Gods Grace kept it selfe untouched from the contagion of Heresie; at all times before the year 1232. which thing is manifest by this, that at the promotion of Duke *Giacomo Theophilo*, in the year 1229. in which mention is made of the forme of proceeding, and of the punishments and chastisements of many sorts of offenders, Heresie is not named: And in the year 1222. when the same Duke published the Statute, wherein is ordained the punishment for many offences, and especially of misdeeds, and charming by Herbes, there is no mention made of Heresie, as certainly there would have bin if the City at that time had felt any such plague. But after that Pope *Innocent* the Fourth tryed to deprive the Emperour *Frederick* the Second, of the Empire, Kingdomes, and States which he possessed, and a great part of Christendome being thereupon in Armes, and all *Lombardie* in debate with the *Marc Trivigiana*, and *Romania*, then divided into favourers of the Pope, and of the Emperour; they were then infected with divers perverse Opinions, and retiring themselves to *Venice*, to live in security: the wisdom of this Government in the year 1249. found a remedy to guard the City, from being infected with

with that contagion that the rest of *Italy* was; wherefore they determined to chuse honest discreet and Catholicke men, to inquire against Hereticks; and that the Patriarch of *Grado* Bishop of *Castello*, and the other Bishops of the Dogie of *Venice*, from *Grado* to *Caverzere* should judge of their Opinions, and those that by any of the Bishops should be given out to be Hereticks, should be condemned to the fire by the Duke and Councillors, or the Major part of them: which things are seene in the promotion of Duke *Marino Morefini* in the year 1249. But for feare least the death of some Bishop should interrupt the businesse, it was added in the Commission of *Diacomo Contarine*, Duke, in the year 1275. that the same should be done to them which were given in for Hereticks, by the Episcopall Vicars, in case the Bishops were dead. This institution was just the same as that which is contained in the Body of the Civill Law, and was used in the *Roman Empire*: For first, the Cognisance of the fact belonged to Lai Iudges, deputed by the Commonalty to enquire against Hereticks; who once discovered, is to bee Iudged by the Bishops whether their opinion did agree with the true Faith; which done, the Duke and Counsellors made up the sentence, not as meere executors, but as true Iudges; which plainly appeareth by those words, or by the Major part of them, which words cannot bee spoken of any but such as have decreeing voyces.

Notwithstanding, the instant requests of Pope *Innocent*, *Alexander*, *Urban*, and *Clement*, and seven other Popes their successors; the most renowned Common-wealth, could never be perswaded to receive the Office of Friars Inquisitors, instituted by the Pope. The secular sufficed it, instituted by it selfe, and brought forth good fruite for Gods Service.

They had before their eyes the frequent disorders which were bred, by reason of this new Office, in those Cities where it was: because the Friars Inquisitors often in their Sermons did excite the people, and marking them with crosses, did worke their revenges upon their enemies under the name of Hereticks, and also other innocent persons were under that name oppressed by them, as desired their goods; one in *Milan* in the year 1242. the other in *Parma*, in the year 1279. which had like to have bene the ruine of those two Cities; the formall order of this renowned Common-wealth is to hold with old and approved things, and the disorders of other places did force it to keepe that Office, which by themselves was instituted in the year 1249. as it is said before,

But *Nicholas* the Fourth comming to be Pope, being of the order of your *Minor* Friars, hee to bring to passe the determinations of his predecessors, and to advance the Friars of his owne order, to whom he was greatly affected; did so instantly entreate that it was resolved to receive the Office, but with such a limitation, that it should not be able to breed any scandall; and therefore order was taken, and having called together all the Councels of the Common-wealth, it was determined that the Duke alone should have power, to give ayde to the Inquisitors, to exercise their Office; and that there should be money deposited out of the common Treasure, with an overseer who should lay out the expences for the Office, and should receive all the emoluments and profits that should arise out of it.

This determination was signified to the Pope with a publicke mandate of the said Counsell, and the Pope having scene and examined it, was content therewith, and did exhort them to follow it. And of all this he framed a Bull given at *Rieti*, the 28. of *August*, in the same yeare 1289. inserting in it the foresaid determination of the greater Counsell, made the fourth of the same moneth: And this is the beginning in *Venice* of the Office of th' inquisition mixed of secular and Ecclesiasticall Persons, as it continueth to this present.

Heere it is necessary to stoppe, and consider that the Office of th' Inquisition within these Dominions, doth not depend from the Court of *Rome*, but properly belonging to the most renowned Common-wealth, undepending, set up, and constituted by the same, and established by contract and agreement with the Apostolick Sea; and therefore ought to be governed by their owne Customes and Ordinances, without being obliged to receive Orders from any other place, whereof there be foure most cleere reasons.

The first because that although *Innocent* the Fourth, and other succeeding Popes made Orders for the establishing of the Office of the *Romish* Inquisition in every City, yet those orders had no place in this Common-wealth.

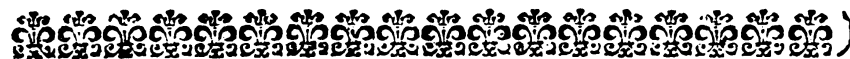
The second, because the Office of the Inquisition is not instituted by vertue of any Popes Bull, but by the determination of the greater Counsell.

The third, because that Pope *Nicholas* did onely give consent to that which was determined by the Common-wealth.

The fourth, because that the charges, and the profits were the Commonalties, and not the Church-mens; wherefore they, in as much

as belonged to the Office, did depend on the Secular Institutor. The expences which were made were no small matter; for (besides extraordinary ones for taking men, and the food of Captives) the Inquisitor had for his stipend twelve Duckets of gold a Month, which now would be above sixe and thirty Duckets.

And this truth, that the Office is *Venetian*, and not subject to any others, appeareth by an accident which happened some twelve yeares after the first institution of it, *vid.* in the yeare 1301. when Frier *Anthony*, Inquisitor, made a Monitory, unto *Peter Gradenigro*, Duke, that he should sweare to observe the Papall and Imperiall Constitutions against Hereticks. To whom the Duke answered by a publicke writing, that he was not to take any other oath, since that in his promotion to the place he had sworne to as much as was agreed with *Nicholas* the fourth; neither was he to be tyed to any other Apostolick or Imperiall Ordinances, because they were not conformable to that agreement, and the Inquisitor withdrew himselfe from his attempt, and yeelded. I doe not finde when the three Inquisitors, which were to assist in the Prince his name, were first preferred: But it is likely that they were deputed by him, and the Councillors in the beginning, as well because there being nothing to the contrary remembered, it ought to be so supposed: as also because that before the erecting of this office of the Inquisition, mixed of Secular and Ecclesiasticall; there was the office meerely secular, to which Noble men were raised to inquire against Hereticks, as it hath beene above rehearsed; whence it may be presumed that the election and name continued.



The Exposition of the first Chapter.

Wherefore holding this for firme truth, in the first Chapter it is said; that as there be three Assistants to the Office of the Inquisition in *Venice*, so ought the Rulers assist in the subjected Cities, which ought to be ruled according to the Lawes and customes of the City which commandeth, unlesse it be in those particulars, which either by priviledge, or the prince his grace, are granted unto each City. And likewise the liberties and immunities of the commanding City, are communicated unto the above named, as soone as they enter

enter into that subjection: and this is observed in all Kingdomes and States. And onely this legall disposition and custome is sufficient to make lawfull the assistance of the Rulers, throughout all the Dominion.

But besides the legall disposition, there is also a particular agreement made with the Apostolicall Sea in the year 1551. The occasion of which was, that the most excellent Councell of Ten, and those joyned with them, having put the Representants in mind of their duties, least through negligence some abuse might be brought in, writ to all the governours that they should bee present to the forming of Processes in the Inquisition. The Court of *Rome* reputed it to be a novelty, with prejudice of the Ecclesiasticall authority; and Pope *Iulius* the third complained of it to the Ambassadour, saying that it was against Pontificall decrees, and that he thereupon would make a Bull. The Ambassadour answered, that it was not a thing newly determined, but most ancient, and renewed to preserve the jurisdiction, and not to assume unto themselves any part of that which belonged to the Church, but rather to aide it. The Pope was content with the answer, & added, if these Lords will be Coadjutors, may they be blessed, but if they will be co-judges, we cannot endure it. And the Pope reputing it to be a businesse which ought to bee founded to the bottome, and not to be contented with words; especially seeing the great stirre that was amongst the Cardinals: wherefore he sent *Achille Graffi*, the Elect of *Montefiascone* a purpose to *Venice*, to whom he gave a Commission the sixth of *August*, 1551, with these words: Wee send you to make some agreement touching the proceedings in causes of Heresie; it is held, that the Assistance of the Secular power is necessary within that City and Dominion, we doe not disprove of it, so that it be without intruding themselves into the Cognisance of sentence, and a little lower, we will be contented with any forme pleasing to that Common-wealth, so it be *citra cognitionem & sententiam*.

The expresse Nuntio being come to *Venice*, it was an easie matter to accord, because that both the parties did meane the same thing; wherefore it was immediately agreed in foure Articles.

The first, that the Governours shall be present at the framing of Processes, and to all that which the Inquisitors or their Deputies shall doe.

The second, that the Inquisitors, their Deputies, and Governours, may have liberty to call such Doctors as they shall thinke fitting, according

according to the quality of the cases.

Thirdly, that any causes happening in Castles or Townes, shall bee dispatched in the principall City, by the same Orders.

The fourth, that the Governours shall once a weeke at least bee with the Inquisitors and Deputies to attend upon this businesse.

Conformable to this agreement the 26. of *September*, Letters were sent to all the Governours, and to *Rome*. The Pope having seen this agreement, approved of it, and gave order to the Bishop of *Ravenna* his ordinary Nuncio in *Venice*, that he should write the same to all Inquisitors and Deputies of the State, warning them also that in all Acts, Decrees, and Sentences which should be made in this businesse, in the presence of Governours, the Notary thereunto deputed should write this clause, *vid. Cum assistentia & presentia Clarissimorum Dominorum. N.N.*

The first agreement treated of with Pope *Nicholas*, in the year 1289. and this last one also, each by it selfe are sufficient to shew, but both joyned together doe plainlier shew, that this authority cannot be taken away by any Bull, or Decree made in any manner by any Pope whatsoever. He that granteth a gift, may upon occasion revoke it, but that which is covenanted and agreed upon, is irrevocable; so that no Decree whatsoever made at *Rome*, ought to stirre it, as that which was made by *Gregory* the 14. in 1591. declaring that Heresie being an offence purely Ecclesiasticall, the Secular power ought not to inter-meddle therein. And although some Popes did trye to derogate from that agreement, as Pope *Leo* the tenth said to that purpose: Notwithstanding any Customes confirmed by the Apostolicke Sea, such derogation cannot comprehend our case; for to confirme is one thing, and to covenant and agree is another. And if it should say, notwithstanding the agreements made with the Apostolicke Sea, it were a Nullity; for it is a contradiction that a thing should be agreed upon betwene two, and that it should be subject to the sentence of one alone. It is certainly to bee beleaved, that the Court will still try by all means to exclude the Secular, and draw wholly under it selfe the Offices concerning Heresie, which are in this State. But no act of any other can bring it in question, or cause any prejudice: so that the prejudices doe not come from this side through negligence in the Execution. Wherein we may take example from *Spain*; where the forme of the Inquisition being subject to the King, established by an agreement made in the year 1484. the

Spaniards have refused to have it altered by any Bull or Order made at *Rome*. It was not an act of great honesty when they printed the *Directory* at *Rome*, in the year 1584. to adde unto it the aforesaid briefe of Pope *Leo* the tenth, directed to all Bishops and Inquisitors within this Dominion : wherein (upon some notable cases which happened in *Valcamonica*) that Pope writ, that the Secular Magistrate shall have nothing to doe with the office of the Inquisition, and shall be onely tyed to execute the sentence, without any other businesse ; which briefe they ought not by any meanes have printed. First, because they had it not out of an authentical place. Secondly, because at that time it was not put in execution, nor peradventure seen, whereof a manifest token is, that the said Briefe being Dated the fiftenth of *February*, 1521. after the Roman manner, some thirty, dayes after, *vid.* the twentieth, and foure and twentieth of *March* the most excellent Councell of *Ten* (to resist the innumerable extortions done by the Clergy) ordered, that notwithstanding the Sentences pronounced by the Inquisition Office, the Bishop of *Limini*, with two Doctors deputed by the Governours, the Processe should be new made, and carryed to *Brescia*, and there judged in the presence of the Governours : Whereunto the Nuntio also consented, and so it was accomplished ; which sheweth us plainly, that the said Briefe of *Leo* the tenth, either is not true, or is not to be scene, or did not take place, and therefore ought not to be printed, especially seeing that the agreement made with *Julius* was since that time. But as the Court of *Rome* will never desist from nourishing her pretence, so it shall be fitting to watch for to resist, that negligence may not prejudice the businesse, never putting to a treaty a thing already, so firmly established : because the very putting of it to a Treaty in the year 1551. if the successe had not bene good as it was, would have bene a great prejudice to the agreement made in 1289. But that besides the lawfulnessse and righteousnessse of this sentence, it is also necessary with skill to preserve it ; both private and publicke respects doe manifestly shew : For the power which God giveth the Prince, is not a gift given for his use alone, which he may let fall to decay without sinne, but though it cometh immediately from God, yet is it given for the peoples benefit, so that if it be diminished, it remains not so sufficient for the good and entire government, and the subject receiveth wrong, and the Divine Majesty is offended.

Although the Prince is not bound to his Subject to governe him,
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yet to God hee is, and the protection which hee hath of him, though towards the subject it be a favour, yet towards God it is a duty, which cannot be performed, without preserving whole, and not suffering to be abated the publicke Authority. The Office of the Inquisition as it is more holy and needfull than others ; so (if it be not well handled but abused) it, is more burthenous and hurtfull : Where it is in the hands of just and prudent Church-men, they should be encouraged to continue so, by looking to them and observing of them, for the opportunity of having power to worke after ones owne fancy may cause a Saint to over-runne his course : But where the administerer hath all his requisite qualities, it is necessary to withstand his excesses. In times past it hath bene scene that Subjects have bene burthened with excessive rigours, by those who under a shew of zeale, have sought to make way for their ambition, or to get unto themselves that which belonged to others. Therefore it is needfull to marke, that avarice or ambition should hurt no particular, but a good Father, and of a good conscience should seeke a remedy for it : the indiscreet zeale which she causeth to be in persons that are not conversant in worldly affaires, hath neede of such a bridle. In publicke affaires also, the effects of ambition avarice or indiscretion are no lesse dangerous, for when a Potentate hath not the favour of him that commands in Ecclesiasticall causes, Religion is made a pretext to oppress him. In the year 1322. Pope *John* the 22. published a severe monitory against *Mathew*, Vicount, Lord of *Milan*, condemning him of Heresie, and under this pretence commanding the most famous Common-wealth, that it should hold no commerce with him, nor with his subjects, although he had no other cause against the Vicount, but that he tooke part with *Lewis* of *Bavaria*, Emperour, the Popes enemy : And the same year, the most Reverend *Guido*, *Rangoni* Bishop of *Ferrara*, and Frier *Buono* Inquisitor, did admonish the most renowned Common-wealth : that there should be no commerce held with *Rinaldo* and *Obizzo de Este*, or their adherents and subjects, because they had condemned them for Hereticks : neither was there any other cause but that they had recovered *Ferrara*, which was possessed by the Popes. In the year 1355. *Malatesta*, and *Galeotto Malatesti*, holding the City of *Rimini*, Pope *Innocent* the sixt, commanded *Venice*, that no commerce should be held with them, or with their adherents, because he suspected them to be Hereticks. The same Pope the same year, used the same manner with the most famous Common-wealth,

wealth, against *Francisco Ordelafo*, by reason of the Dominion of *Forli*, and *Gulielmo Manfredi*, because of *Faenza*, caused also the *Crociata* to be preached against them. Yet all these great stirres and condemnations of Heresie vanished into smoake, so soone as the accused were contented to acknowledge those Lands held in disputation from the Pope; A cleare and undoubted document to shew us, that the imputation of Heresie was but onely to oppress them, and perforce bring them to yeeld to the fore designed humane changes.

But to come to Moderne things, In the discords which *Paul* the Fourth had with King *Philip* the Second of *Spain*, which were of temporall busineses: That Pope as well in consistory, as treating with Ambassadors of Princes, alwayes was wont to say, and reply that the King, and the Emperour his Father were Hereticks. It was also seene in these late occasions, that those Bookes which were writ in favour of the most renowned Common-wealths cause, were forbidden by the *Romish* Inquisition, and others of the Ecclesiasticall State, under the colour of Heresie, although the things treated of were merely temporall, and approved by all Christian Kingdomes: And *Cardinall Bellarmin* having some yeares since set forth a booke, wherein he subjects Princes to the Pope in temporall affaires; hee dares therein handle as Hereticks, all those who say that the Prince in temporall Causes, hath no other superior but God onely; although that foure of the five parts of *Catholicks* doe beleve it: Which things cause us to beleve, that since some mens malice doe make use of this Office for humane ends, which are not very honest; it is needfull to looke how it is used, and not suffer them to take such footing, whereby they may abuse it: Because then upon occasion, when one would take order therein, it is found to be too late.

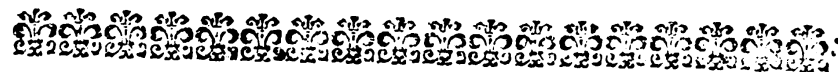
In *Milan* where the Inquisition hath great Authority, there happened about 1580. a dangerous case. *Cardinall Boromeo* (who afterwards was a Saint) visiting of some places of the Diocesse of *Milan*, and subject to the *Swissers*, went ordering many things, which bred some suspitions in those States; wherefore they sent an Ambassadour to *Milan*, to require the Governour to cause the Cardinall to come backe from those places, least some alteration should happen. The Ambassadour went to *Milan* and alighted at a Merchants house, that he might the more commodiously goe and doe his Ambassage. The Inquisitor heard of it, and immediatly went with his Officers and carried him bound to Prison to his covent. The Merchant reported

ted what had happened to the Governour, who presently caused the Ambassadour to be set at liberty, honoured him, and heard him. The *Swissers* who had no sooner notice of imprisonment then of his delivery, said openly, that if the newes of his imprisonment had come alone without that of his deliverance, they would have imprisoned the Cardinall, to whom the Governour sent word of what was done; The Cardinall yeelding to necessity went away, and the new inventions were revoked.

These dangers shew that not onely malice may cause inconveniences, but impudency also, and undiscreeet zeale: Therefore it becometh to watch carefully, that the power of meeting at all actions of that Office be not diminished, which God by his Providence hath hitherto preserved, and by which meanes all publicke dangers and oppressions of the Subjects may be withstood.

It beeing then plainly shewne that the Office of the Inquisition is not ancient in Holy Church, and that within this Dominion it was instituted in the same forme as it is now used by the Common-wealth it selfe, as an Office properly belonging to it; and established by agreement with the Apostolicke See: and the reasons being unfolded which did move to this deliberation, and the necessity which bindeth to keepe inviolated the forme alwayes established. With these considerations the grounds of the first Chapter are sufficiently unfolded and proved.

The second and third Chapters neede not bee any better declared or proved.



The Exposition of the fourth Chapter.

THE fourth Chapter, wherein is set downe the charge of the Assistance, which ought to bee in foure cases, requireth some considerations.

The first case, to execute the just determination of the Iudges, cannot bee called in question. The second and third which are to hinder their resolution of usurping temporall Authority, either

with a head-strong, or a manifest and unjust oppression, and in doubtfull cases to make them surcease and advise, are no lesse needfull then the first: And for prooffe thereof, wee neede not alleadge any other text, than that of the Popes of *Rome* themselves. *Clement* the Fifth in his Generall Counsell of *Vienna* (and it is Registered in the body of the Canon Law *De Hæreticis. Cap. 1.*) having heard complaints of many Inquisitors, because they extended the Order of their power beyond their assigned bounds, which proved to the wrong of the faithfull, (whereby it was needfull for the glory of God, and right carriage of the businesse, to make divers proviſions) gave divers rules to withstand the disorders which were brought in. *Clement* the sixth also, gave a Commission to *Bernard* Cardinall of *St. Marco*, his Legat in the Churches Territories, to enquire of the excesses of the Inquisitors, and to doe Justice to them who should complaine of them: Which teacheth us plainly, that in all times there are faults committed, which have neede of remedy, unlesse they be at first withstood.

But grant that no Inquisitor should exceed the bounds of his power, yet that is not so well ordered, but that it is needfull to guide it with a great deale of wisdom. To make this appeare it shall suffice to understand what was Printed, in the Directorie in *Rome*, in the yeare 1584. which is orderly Translated out of the Latin. If the Inquisitors would use all the Command they have within their power, they might easily raise seditions every where: And these words are written purposely to admonish Inquisitors; that although a thing shall seeme just unto them, yet when it is dangerous they ought to take advice from *Rome*. But here wee must not conclude so, because *Rome* being farre, and busied in her owne affaires, cannot well judge of others dangers. But these confessions of the Court of *Rome*, shew it to bee necessary for all that will keepe their Dominions in peace, and protect their Subjects, to have a diligent regard, and cunningly moderate that power, which in it selfe is confessed to be exorbitant, and many times changeth to be exceeded and abused.

In the yeare 1518. there were a great number of Enchanters discovered in *Valcamonica*, and by the little care of the Governors of *Brescia*, the judging of them was left to the censure of Churchmen. Thence grew such exorbitant extortions, and complaints of the oppressed, that the most excellent Counsell of Ten was forced to disannull all that which they had done, and send for all the Shops

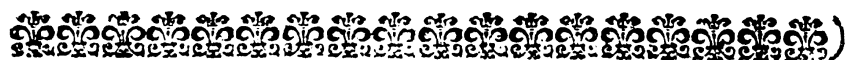
shops Vicars, and Inquisitors to *Venice*, and cause all those busineses to be reviewed by the other Iudges, with the Assistance of the Governours: yet for all that was that people hardly pacified from moving of Sedition.

The extreame seditions raised in *Rome* after the death of *Paul* the 4 are not yet out of memory, wherein the Prisons of the Inquisition were by the people broken, and the building with all the writings burned. And likewise the danger the City of *Alantua* was in, the yeare 1568. which thing it is impossible to hinder, if the Magistrate, whose charge it is to looke to the repose of the City, doe not stoppe excessive and headlong determinations. And if upon any doubtfull, or dangerous businesse he causeth a stay, it cannot be thought a prejudice to the Ecclesiasticall, since by surceasing they may the better deliberate, and that hindreth not the businesse from being atchieved with greater maturity. Whereas if a dangerous case should bee suffered to runne on, and the event should prove evill, either it could not be remedied, or not wholly. The Prince advertised thereof, may either by his owne authority, or by sending to the Pope, passe over some things with quietnesse, which without his knowledge would have but a bad issue.

That fourth part of the Chapter. *vid.* that the Rectors and assistants shall with dexterity egge on the Inquisitors to execute their office, if they were negligent therein, is most proper to the Secular Magistrate. First, by *St. Augustines* reason who saith, that it belongeth to their office to punish offences which are immediately against the Divine Majesty, as blasphemies, Heresies, and Perjuries, more than those who offend men. And besides that, because Heresie doth not onely offend God, but bring notable disturbances to the publicke peace, the care of which resting upon the Magistrate, who is chiefe in the City, he cannot let it runne in danger of being infected, but he must faile in his duty. The Inquisitors ought to looke to keepe the people cleane from Heresies, for Gods service onely. The Magistrate both for Gods service, and for the good of the publicke government; and therefore as one, on whom the care most lyeth, he also ought most to watch, and to incite others: Neither can any one oppose this, by saying that Secular men, though they be Magistrates, yea, and Princes also, are the Children, and Ecclesiasticall persons are the Fathers, and that it is not fitting that the Child should presume to controule and admonish the Father, for the equivocation and cavill is manifestly scene in it. In a City there is a Sonne, who
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is a chiefe Magistrate, hee in household and Domesticke busineses shall be subject to his Father, but in publicke and Civill busineses he shall be superiour. Ecclesiasticall Persons are Fathers in Christ, so that a Magistrate ought to be subject unto them in household things, which belong to the House of God, and from them to receive the Doctrine of Christ, and the Divine Sacraments, which are household things, in which the Sonne is subject to the spirituall Father. But in publicke busineses, as punishing of offences, and peaceable civill living, Spirituall Fathers are subject to the Sonne who hath the charge of it, as he is a publicke Magistrate. And if an Ecclesiasticall man hath any power or jurisdiction to punish any offence, he hath it from none but the Prince, to whom onely God hath given it.

I have said before, that in a Judgement there are three parts, the Cognisance of the reason, *vid.* which doings are Hereticall, and this is purely Ecclesiasticall; the Cognisance of the Fact, *vid.* what persons are guilty, and the sentence: these two last are temporall, and in former times under the *Romane* Empire, exercised by the Secular power, and now lost. There are also left to Ecclesiasticall persons by the grant of Princes, the most renowned Common-wealth, which did exercise that power from the yeare 1249. untill 1289. that yeare granted it to the Inquisition office, managed by Ecclesiasticall persons, but with Secular assistance: If Ecclesiasticall persons should faile in their duties, the power would returne to him who gave it, without depriving himselfe of it. Wherefore it is no wonder if the Secular Person ought to be an over-seer of him that exerciseth a charge which he hath given him, in admonishing and egging him on as farre as it shall be decent for them both.



The Exposition of the fifth Chapter.

THe fifth Chapter, that the Governours and Assistants shall not sweare faithfulnessse, nor secrecie to the Inquisitor, is highly to be considered of, since that by such an oath they should cease from being representants of the Prince his person, and become the Inquisitors Ministers.

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It is cleare, that whosoever sweares faithfulnessse, or secrecie, especially without exception, is bound to performe it to him that he hath sworne it, not regarding any other mans interests; so that the Representant could not oppose himselfe against any act of the Inquisition, although it were contrary to the Princes respects, nor give him notice of things happening in that office, without breaking his Oath. But the publicke representant, even when things are treated of that doe belong to the Inquisition Office, must not aime at any respects or commands, but onely the Princes: wherefore he cannot sweare faithfulnessse or secrecie to others.

Where the Inquisitions Tribunal is meerely Ecclesiasticall, Secular men doe come in as Councillors, or sometimes Fiscals, or Notaries, or other Officers, which doe sweare to the Inquisitor. But that is because those Secular men which are so present, are dependants, and subject to the Ecclesiasticall. Now in this state the Tribunal is mixt, not for Secular Councillors, or other Officers, but onely for the Representants publicke assisters, who depend not from the Ecclesiasticall, but are superintendents in the Princes stead.

The Ecclesiasticals for these many hundred yeares, have no other aime, but to usurpe the temporall jurisdiction, and have purchased a great deal of it with great disturbance of sundry governments, and at this present they aime at it more than ever, and in particular, for the Inquisition in this State and Common-wealth, they doe bend themselves with all their cunning to draw it to bee wholly Ecclesiasticall, which they would at last bring to passe, if they could bring in this Oath, making thereby the Representant their Officer. And this being once brought to passe, the scruples of the one, and the small understanding of the other, the Offices which would be done by meanes of the Confessors, would worke so, that *Romes* and the Inquisitions ends, would be preferred to the publicke ends, or at least would raise such powerfull doubts in the minde, that they would never let any thing be well done: which voydeth also an answer that seemes might be given, *vid.* That the Oath might be received, reserving to the Prince his ends. Answer, which taketh not away the dangers: For the aforesaid things would so trouble the mindes of men, that they would never give way to the sound understanding of it. But to colour their attempt, the Inquisitors say two things: One, that *Fredericke* the second, commanded all Consuls and Governours of Cities to sweare

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The other that the King of *Spain* swears. But *Fredericke* did not command that they should swear to the Inquisitors, for (as we have shewed before) the Office of the Inquisition was not then begun, but that they should swear in publicke to him, to be careful in rooting out of Heresies, which had taken roote. The Consuls and Governors did not then goe into the Office of the Inquisition, with Ecclesiasticall Persons, but they alone with the Imperiall Authority did condemne Hereticks, and swore to the Emperour to doe it faithfully: and besides, this forme lasted but a little while, and *Iohn Andrew*, a famous Canonist, who flourished in the year 1300. witnesseth, that in his time that Oath was already growne out of custome. *Philip* the second King of *Spain*, brought in the custome of taking a publicke Oath, (not to the Inquisitors but to God) that hee would never suffer Hereticks to live at freedome within his Dominions, which is no Oath of faithfulness and secrecie to the Office (which depends on the King, and is commanded by him) but a promise to God, and a taking away all hope from the Subjects of obtaining from him any liberty of Conscience. In the same manner the ancient Dukes of the *Venetian* Common-wealth at their promotion, did swear to punish Hereticks; but it was not an Oath to the Inquisitor, but to God and the Common-wealth. The equivocation consists in this, that it is one thing to swear absolutely, and another to swear to such a one, and this is that which signifieth subjection to him that giveth the Oath. The publicke representant can not swear to any but to the Prince, as hee cannot be subject to any one else. For which reasons it shall alwayes be necessary, to have a regard to this fifth Chapter, not as a summary point, but a point of great importance.



The Exposition of the sixth Chapter.

TO give the Prince notice of what happeneth daily in matters of Heresie, as it is contained in the sixt Chapter; is a thing of Divine Service, and necessary to a good Government, where the Inquisition

quisition is in the hands of Ecclesiasticall Persons onely, they doe not suffer the Prince to know any thing that is done in that Office. In this State where the Iudgement is mixed, as their aime is that the Assistant (since they cannot exclude him) should become their Officer, so they use their best endeavours to make him keepe secret what is treated off, making it a charge of Conscience if any thing be revealed without the Inquisitors leave: With this maxime, that causes touching Faith, must remaine with the Iudges of the Faith.

Amongst other perverse Opinions which this our unhappy Age is full of, this is also preached, that the care of Religion doth not belong to the Prince, which Opinion is coloured with two pretences; the one that since it is a spirituall and Divine thing, it belongeth not to Temporall Authority: the other because the Prince occupied in greater businesses, cannot attend these affaires. And certainly it is a thing to be admired, how the world is changed: In other times holy Bishops did not preach, nor recommend any thing more to Princes, than the care of Religion; they warned them of nothing, nor modestly rebuke them for any thing, more than for the carelesnesse in it, and now nothing is more preached too or perswaded. The Prince then, that to him belongeth not the charge of Divine things, though contrarywise the Holy Scripture be full of places where Religion is recommended to the protection of Princes, by the Divine Majesty; which also promisseth peace, and prosperity to those States where Piety is favoured, and desolation and destruction threatned to those States, where Divine things are held as alien. Examples thereof doe abound, but because this Treaty will not suffer a long rehearfall of them, I will onely say, that *David* being entred into a Kingdome out of order both internally, and externally, and being very busie both in Warres and in framing a politick Government; neverthelesse did set his chiefe care on matters of religion. *Salomon* entring into a quiet and exceeding well ordered Kingdome, regarded also Religion, more than any other part of Government: The Princes most applauded in former Ages, as *Constantine*, *Theodosius*, *Charlemaine*, *St. Lewis*, &c. The chiefeest praise they had was, to have made it their chiefe travaile to protect and rule the affaires of the Church. It is a great deceite to set forth this part as a thing of lesse moment, and to be left out for to looke to other things: Since the neglect of this to provoake the Divine Wrath, daily experience in these

dayes sheweth us, that a State cannot stand untroubled, where change of Religion commeth : And these which counsell Princes to not meddle with Church businesses, say neverthelesse upon other occasions, that true Religion is the foundation of States. It were a great absurdity holding this to be true, as it is most true, to leave the totall care of it to others ; under pretence that they are spirituall, where Temporall Authority will not reach ; or that a Prince hath any greater employment than this. It is manifest, that as the Prince is not a Prætor, nor a Prefect, nor a Proveditore ; So likewise hee is no Priest, nor no Inquisitor : But it is also certaine, that hee is to over-see with keeping in awe, and causing to doe their duties both the one and the other. And here lyeth the deceite, that the particular care of Religion, is proper to the Officers of the Church, as the Government of Temporall things is proper to the Magistrate, and the Prince himselfe ought to doe neither the one nor the other ; but is to direct all, and to take heede that none doe faile in his Office, and to amend the defects of Officers : this being the Prince his charge as well in matters of Religion, as in any other part of the Government. And as in other matters for to manage well that part which is proper unto him, hee is to bee informed of all occurrences : So ought he particularly to bee advertised of all that happeneth in matter of Religion. The Inquisitors of *Italy* doe particularly send word to *Rome* by every Post, what is done within their Office ; much more ought an account bee given to the Prince, whom it more concernes to know it. It were very expedient, that all things which are treated off within the State, should remaine therein ; as it is observed in *Spaine*, which give account to the King onely ; and send advice no where else. But because that were a hard thing to obtaine, let it for this time suffice, that it bee knowne to the Prince, when it is knowne to others, who are not so much interested therein.

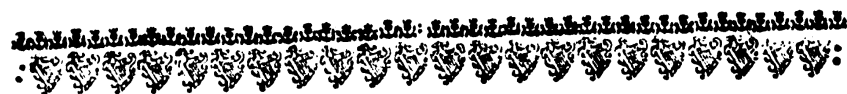
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The Exposition of the seventh Chapter.

THE seventh Chapter was ordered by the most excellent Senate, because that the Ambassadour of *Rome* might doe that good Office, as that the charge of Inquisitors might bee given to the Natives of this Dominion, because they are best instructed in the occurrences of the Customes, and conditions of the Country ; and beare a greater affection to it whence it is presumed, that with greater Judgement and love, they will employ themselves in that Office, which above all others requireth Charity and discretion. One cannot without wonder consider, how that all the Inquisitors within this Dominion at this present are strangers, and the Natives are not employed neither in this State, nor in other States : yet is not this Country so barren but that it brings forth men of understanding, as well as any other part of *Italy* : What should bee the reason then, that these should be reputed all unable both for this Dominion, and for all others if one will seeke for examples beyond the Hills ? there is no Inquisition there, but onely in *Spaine*, where they are all *Spaniards*. In the State of *Milan* the Natives are not excluded, and others, to whom the Office is given, are not lesse depending from that Prince then the *Milanewses* themselves.

In *Tuscan*, *Pius* the fourth attempted to give the Office of the Inquisition to the Friars of St. *Dominicke*, and *Cosmo* the great Duke would not consent, because those of that Order tooke part with the enemies of the house of *Medices*, when they were driven out of *Florence*, in the yeare 1494. which reasons and examples shew, that there ought accompt to bee made in *Rome*, of those recommendations which shall bee made of the Fathers, that are subjects to this State ; and that their Piety towards their Prince and Religion, the Christian life of the people, and the devotion of the Fathers themselves towards their Naturall Prince and Country, may not bee prejudiciall to them.



The Exposition of the eight Chapter.

THE eight Chapter that none shall bee admitted to execute the charge of Inquisitor, but with the Prince his Letters is very convenient. The same directory commands, that first of all the Inquisitor should present himselfe before him, and should receive Letters directed to the publicke representants in that place where he is ordered to execute that charge; and reason alloweth that no manner of jurisdiction be exercised without publicke knowledge; yea, at other times Popes did send Inquisitors with Apostolicke Letters directed to the Prince, wherein they intreated him to favour and protect them, and now they doe the like at the institution of every new Bishop. Now the Congregation of *Rome* deposes Inquisitors with Patents and instructions, as if they were sent into some of their owne jurisdictions, and this cannot bee helped, but it is necessary to keepe a foot the presenting of the Patents, it beeing a due acknowledgement of the Prince his Superiority, and because it will also serve for two things. The first that one may marke whether the Patents be made in the wonted forme, or if there bee any new clause added to it, because that in case then were any prejudiciall novelty, it might bee withstood with fitting meanes: The other is, that if there were any request made, that there should bee an Inquisitor who were a Native, and trusty, and that just request should not be granted, they might then by delaying the Patent, reply, and triplicate the same request with greater instance. And although some accident might happen through which the publicke wisdom should finally Iudge it fitting to assent unto the will of *Rome*, and receive the stranger; it might worke at least so much as that the Court of *Rome*; for the time to come, would proceed with greater respect, and the same forraigne Fathers, would refuse to accept the charge, seeing the difficulties which had happened to the others.

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The Exposition of the ninth Chapter.

THE ninth Chapter that the assistants should assist to the Iudgment, although the guilty were Ecclesiasticall, is a legall position and necessary to be observed. It is not credible that the Secular assistance in that Office was brought in, in regard of the Persons of the questioned, this in times past hath deceived many who were perswaded the Person of the questioned appointeth the place of Iudgement, mis-understanding that *Maxime, Actor sequitur forum rei*, which is meant of private interest, where tryall is to bee betwene two parties, which their Persons be not both subject to one Iudge, the judgement place shall bee before him to whom the Defendant is subject: But where there is no private interest but a publicke respect, the Person is not looked after, but the cause: and though the Person bee Secular, yet if the Cause bee Ecclesiasticall, the Ecclesiasticall Iudge shall judge it: So in these daies, Matrimoniall Causes are esteemed to be Ecclesiasticall, and therefore though the Person bee Secular, yet are the Causes Iudged by the Bishops. So Causes that are purely Secular, as the administration of publicke Offices, Causes of plenty, of health; offences which trouble the publicke rest, doe belong unto the Secular power, although the Persons bee Ecclesiasticall. If the offence be mixt, there is a mixt Magistrate instituted, to whom without attending the quality of the Person, belongeth to judge all matters of that kind. And because that Heresie doth corrupt true Christian Doctrine, it is an Ecclesiasticall offence; and because it disturbeth the publicke rest, it is Secular: therefore there is a mixt Iudgement Seate appointed, with an Ecclesiasticall Iudge, and a Secular Assistant: And in the practice of it, there is no respect had of the questioned Person, for then the Ecclesiasticall should Iudge the Priests and the Friars, and the Magistrate should Iudge Secular men: But the Heresie of the Secular man is as much against the Catholicke Doctrine, as that of a Clarke; and a Hereticke Priest, or Frier troubleth the publicke Government as much, or peradventure

peradventure more than a Secular one. And as the Secular office appointed concerning Corporall health; and if it finde an Ecclesiasticall person bringing in infected goods, he doth not put over the judgement to the Ecclesiasticall judge, but burneth the goods, & packeth away the suspected person, because the publick temporall good is in uestion: so the mixt office of the Inquisition doth not put over an Ecclesiasticall Person, but judgeth it, because that the publicke good, both spirituall and temporall is treated of. And this is further confirmed because, that though offences committed by Regular Friars are punished by their owne superiours, yet they cannot entermeddle in cases of Heresie, but goe to the Inquisition without regarding that the person is a regular. It is yet made more manifest in that, that cases of Heresie, being more against Ecclesiasticall Persons, than Secular ones, in the agreements made with the Apostolicall See, especially in the year 1551. they of *Rome* would have made that exception, which being not made, shewes that they have not held the generall Rule, *vid.* that the Secular should meete in all cases. This ninth Chapter, besides that the justice of it requires the keeping of it, ought also for divers other respects with all diligence be put in execution. First, because we have shewed above, how necessary it is to a good government, to have the Prince know of all occurrences that happen in such matters, for the great importance of maintaining Religion. But if the Assistant should not meet at judgements against Ecclesiasticall Persons (and these are the most important, most dangerous, and most frequent) then the state of Religion within his Dominion should not be knowne, which would be most absurd. Secondly, seldome happeneth a case of Heresie in an Ecclesiasticall person, but a Secular is a confederate in it, in which case one would not know what to doe; for to divide the Contents of the cause it is impossible, to leave a Secular person to a judgement meerely Ecclesiasticall is more unfitting. There remains nothing then but to have it judged before the ordinary mixed Tribunal: and questionlesse if this way were once given, under divers colours of annexed, connexed, dependent, and emergent, the Secular would be altogether excluded. Therefore according to reason, the most wise determination of the Senate named in this Chapter, ought to be observed.

For prooffe of the second part, *vid.* that the Assistants shall be present at the framing of Processes, though the Denunciations be given in other places, we must suppose the stile of that office to be approved by continuall custome, and also by reason. For if a person

person be denounced at the Tribunall of the Inquisition, who hath his dwelling in another place, and that he be not personally under that jurisdiction, the Inquisitor receives the Denuntiation, examines the Witnesses, and frames the Processe, as farre as may be done in that place, and so framed, he sendeth it to the Inquisitor of the place, where the delinquent liveth, that the cause may be prosecuted, and he dispatched.

It happened in the Year 1610. that Father *Avaroldo*, a *Capuchine* was denounced at *Rome* for a certain opinion concerning Antichrist, and from that Inquisition was the Processe sent to *Brescia*, where the Father was. The Inquisition of *Brescia* proceeded in the cause without the Assistance, and answered the Governours (who hearing the event did finde themselves agrieved with it) that the Governours ought not to assist, but onely in causes which were begun at the proper Tribunal, but not when the Denunciation was given at *Rome*. If this were admitted, it would not onely be against reason, and the lawfull custome, but it would also be a secret to take away quite, and with ease the Assistance. The Inquisitors to take away that bond of having Assistants, to increase their owne authority, and to doe the better service to the Court of *Rome*, would worke with the Denouncers, under faire and appearing colours, that the Denuntiation should not be given into that office, but at *Rome*, which would be easie, being content to doe it either by Letter, or Petition; and in this manner, in all causes the Secular should bee excluded. But the legall definition is, that as every office or Inquisition receives Denunciations against the absent, according to their owne Rites, Formes, and Customes, so the proper office frames the Processe, and gives sentence according to his. It was needfull to take notice of this particular, for feare least any deceived with shewes, should be carried away to a publicke prejudice, it being to be held for an infallible rule, that the publicke representant must assist to every act done in that office without any exception.

*The Exposition of the tenth Chapter.*

THe tenth Chapter, that the Representants shall assist at all the Acts of the Processe, is necessary for the taking away of divers abuses which are brought in, for in some places all the informative Processe was made without any assistance; in others the whole defensive; and in others, after the denuntiation received, by the Inquisitor alone, and the Governours were called to the examination of witnesses: All which wayes were prejudiciall, since things once done are alledged by example, and so they goe on from the first to the second, and in processe of time a custome is established, which afterwards hath the force of Law: But that which is of no lesse moment is, that it being the Assistants charge to give the Prince notice of all occurrences, and to protect the Subject, if he were oppressed by the Ecclesiasticall, he can doe neither the one nor the other, without he know the whole Processe. The least particular altereth the whole cause, neither can a businesse be explained or understood, unlesse all the circumstances be knowne.

*The Exposition of the eleventh Chapter.*

IN the eleventh Chapter is said, that for the aforesaid Reasons, they ought not to leave out any act, under pretence of slightness, for there is nothing, be it never so small, that may not bee the cause either of absolving or condemning. And it is added, that they must

must not be content, although the Inquisitor aske him leave, because that though the principall, who ought to be present at an act, may give way that it may be made without his presence. Yet hee that is to be present in another mans stead cannot doe so. It cannot be denied but that it would be a great deale more ease for Rulers (especially being occupied in many busineses which the government of a City brings with it) to be present at the Inquisition, or absent when they would: but no jurisdiction is maintained without labour. The Court of Rome in these affaires, because the Inquisition businesse should not be carelessly handled by reason of extraordinary employments, hath given it to persons that have nothing else to doe, and for their lownesse hold it as a great honour to exercise the place. The Prince whom it most concernes to have matters of Religion well governed, thought more decent to employ eminent Persons therein, and such as he may trust, and therefore he expecteth care out of the faithfulness of his Representants, though they be employed in other affaires.

*The Exposition of the twelfth Chapter.*

THe twelfth Chapter unfolds the manner and remedy that must be used, in case an act were made against the due forme, and that is by setting busineses againe into their first estate, with such pleasing remedies as shall be requisite.

*The Exposition of the thirteenth Chapter.*

THe thirteenth Chapter, which treates of Informative Proces-
ses, which are to be sent into other places, is no lesse to be consid-
ered

dered of, and requires an exquisite diligence for Inquisitors, sometimes at the request, and for the interest of their superiours, make some secret Processees against the reputation of good men, examining such as they are confident of, who for the most part are evill persons, giving them out for sincere ones, and men without exception, and upon them Processees are likewise in other places secret sentences framed, to take away the reputation of them that are questioned, and sometimes to doe them further wrong. In the yeare 1590. by reason that some subjects of *St. Marke* went into *France* to the warre against the League Fryer *Albert da Lugo*, Inquisitor of *Verona*, framed such a Processe against the most renowned Common-wealth it selfe, as if it favoured Hereticks, examining persons of very ill quality, and knowne to him to be such, yet in the end of the Processe hee much commended them, to make their credits good. The good Father could not send it whither he intended, but was discovered, and punished as the qualities of the times would suffer, though not so much as he deserved. In these last troubles, in the yeare 1606. there were many framed against Senators, and publicke Representatives, and other persons, which truly is a great abuse in that office, which should never swerve from sincerity. And the greater the abuse is, the more ought the Representatives to be wary, and not suffer any Processe to be made, neither at the request nor command of any in their absence: and when they discover any attempt, to shew themselves touched by it in such sort, as it may be a barre to any such actions, and also give good heede to all the Inquisitors proceedings, to discover and hinder them.



The Exposition of the foureteenth Chapter.

THE foureteenth Chapter to labour that in every Processe should be noted the Assistance, hath no difficulty in it, because, as it is said before, the Bishop of *Ravello* the Apostolicall Nuntio, in the yeare 1551. did write it to all the offices of Inquisition in the State,

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The Exposition of the fifteenth Chapter.

THE fifteenth Chapter, that in the Processe there shall be no Decrees inserted by any forraigne authority ought to be exquisitely observed: For most part of the Inquisitions out of this State are reduced to such a forme of proceeding, that the Inquisitors doe every foote write to *Rome*, and from thence receive orders what they shall doe, so that at last it is as good as if the Processe were framed at *Rome*; and so they free themselves of the bond imposed upon them by the Canon Law to consult of their affaires. In this State they have not yet attempted this frequent and subtle abuse, but onely in some particular case, to favour, or disfavour some one. It may be thought they write to *Rome* for Justice, or for some good intent, whence they receive orders of what they will have done; and the Inquisitors to curry favour with a ready obedience, put it to execution: and they themselves will sometimes, to avoyde some contradictions of the Bishops Vicar, or some Councillors, procure Letters from *Rome*, and by that meanes overcome the oppositions. This produceth two evill effects, the one that it taketh away the authority of that Tribunal, making it subject to him to whom by reason it ought not to be. The other, that he who is questioned is at more trouble, and more cost in defending himselfe. The most excellent Senate hath alwayes endeavoured that the authority of their Inquisition office should not be diminished, being as requisite for a good government as any other publicke ordinance. In *Rome* the Inquisition was not above that of other places, but applyed it selfe onely to that City, as others did in their Cities. The Pope indeed was superintendent and overseer of them all, maintaining nevertheless the agreements, immunities, and lawfull customes of every one, and so it continued untill *Paul* the third, who did institute a Congregation of Cardinals in *Rome*, giving them the Title of Inquisitors Generall, who nevertheless doe not command the Inquisition of *Spain*, which by agreement was first instituted: So

likewise they ought not to take away the authority of this States Inquisition : also instituted by agreement some hundred yeares since. Which thing I have considered for to conclude, that it is not reasonable that Inquisition should take that which belongeth unto this. And in effect if the *Romish* Inquisition should meddle with those causes which are handled within this State, as it doth in other places, it would be as much as to reduce them all to *Rome*. And to speake in plaine and restrained termes, as by Law every act which the Inquisitors make, without the Assistance, are voyd, so those Acts cannot be of force which are made out of the State, being made without the presence of the Assistants.

And if those Cardinals should be sent by the Pope as Inquisitors into this State, they would not be suffered to doe any thing without the Magistrates presence, and that which were so done, would be voyd, much lesse should they have leave to doe it at *Rome*. That hindereth not, but if that Congregation, as consisting of principall Cardinals, should write any thing: But that those Letters should be received by the Inquisitors with all due reverence, executing also that which they desire, so there were not some powerfull reason to the contrary, but alwayes it should bee done observing the Stile of the Office, that is, framing the Decree in the name of the proper Judges with the Assistance, not mentioning in the Proccesse that it was done by order from else where. And if that particular Writing from *Rome* were not agreeable to the customes of the Countrey, and the particular circumstances which ought to be looked upon, and should seeme so to the Judges, and other Consulters, it will not bee incongruous to reply to *Rome*. The Assistants notwithstanding ought not to meddle with this, neither are they to know whether any Order come or no from *Rome*, whether that which is required from *Rome*, be put, or not put in execution, but onely to assist to what the Inquisitors doe, not using any other name but that of their owne office.

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The Exposition of the sixteenth Chapter.

THis sixteenth Chapter, in that part which toucheth the not sending Prisoners out of the State, is clearer than the light; since Prisoners are transmitted out of one place into another either for Execution, when both places are within one Prince his Dominions, or from Prince to Prince by agreement betweene them, or for gratification; and in all these cases the Transmision is made onely, because offenders should be punished in the place where the offence is committed. But in case of Heresie, the Doctors say that the punishment cannot with reason be required in any particular place, as well because the Heretick sinneth against God who is every where, and also because that wheresoever he goeth holding his perversnesse, in all those places hee sinneth; wherefore in what place so ever he is punished, hee shall be said to be punished in the place where he offended. On this reason is grounded the common opinion, that those who are guilty of Heresie, are not to be transmitted: and indeed, the custome is every where to punish Hereticks where they are restrained, and not to send them from one Inquisitor to another. Onely the Court of *Rome*, for her owne interests, easily, and often doth call unto it selfe the causes, and causeth the Prisoners to come to *Rome*, though the offence have not beene committed in that City.

The most renowned Common-wealth, as it hath not consented to the drawing away of Causes, so hath it not granted the transmitting of Prisoners; but hath determined that they should be judged where they are imprisoned: it being certaine that in doing otherwise, they should utterly take away all the Authority of the Inquisition-office in their Dominion, within which there being Bishops, who in goodnesse and worth are inferiour to no other, and Inquisitors deputed by the Court of *Rome* it selfe, and the Cities abounding with learned men, who may be received for consulters, there is no reason but that any case may be as well examined and decided there,

as in any other City whatsoever. If it were to doe God greater service, that Prisoners should be sent to *Rome*, it were fit that, throwing all other respects to the ground, this onely onely should be aimed at : but to shew that it is not so, I will onely bring one example which happened heretofore, in the yeare 1596. at the instance of the Inquisitor of *Rome*.

There was imprisoned in *Padua* one *Ludovico Petrucci*, a Senese, and the Inquisitor of *Rome*, being according to the custome of the Inquisition, to send those Evidences which he had against him to *Padua*, he required the contrary, *vid.* that the Prisoner should be sent thither, and to that effect used many perswasions to the Ambassadour which was in *Rome*, and caused many to be used by the *Nuntio* in *Venice*. The most excellent Senate answered divers times to this effect, that it was not convenient to alter the excellent Institution of this Dominion, which was to dispatch questioned Prisoners, where they were restrained : that on the other side, for the Inquisitor to send to *Padua*, what was found against the Prisoner, that so he might receive due punishment was a thing just, usuall, and without any opposition. Many were the replies and the answers alwayes to one effect, and these dealings lasted five whole yeares, *Petruccio* remaining still in Prison. At last, when they perceived at *Rome* that they could not obtaine him, in the yeare 1601. they writ to *Padua*, that the said *Petruccio* should without any more a doe bee set at liberty, which was accordingly, leaving a great doubt in mens mindes what offence that might be, which was rather to be left unpunished, than made knowne to the Inquisition of *Padua*.

To this Accident which happened, I will adde what the Directory of the Inquisitors speakes of the causes of the Inquisition, which are handled in that Court : of which speaking, after it had related divers inconveniences, it concludes : In this Court Causes are handled with much tediousnesse, many miseries, labours, and expences, insomuch that those which are questioned, care not for comming to the Court, to treat of their Causes, if they doe not runne to a full purse, or to great favours. These are the words of the Directory ; it is credible that Justice is administred with greater sincerity now then it was in those dayes : but there withall it is to be held for a certaine, that there is no lesse goodnesse and sufficiency within this State, and that Causes may as justly and as rightly be handled here, as in any other place, so that it is not needfull to let them be judged else where, who are imprisoned within this Dominion.

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The other part, to not send Processes else where, is grounded upon that which is said before in this Chapter, and in the president for if the prisoners ought to bee judged within the State, and the judgement ought to be made by the same Tribunall, and not received from any other place, there remaines no cause wherefore Processes should be sent forth. True it is that one ought to distinguish betweene Processes framed against those that are restrained heere, or against those that are cited, and those that are contumacious, for these are they which are not to bee revealed else where : but examinations or other acts made at the request of another Inquisition against any one that is restrained there, or hath committed any contempt against it, as acts not belonging to this Dominion ought to be sent to whosoever requires them. But : yet the Assistants ought not by any meanes to suffer any such acts to bee made without their presence, as it hath beene said in the thirteenth Chapter ; and because that the Inquisition should doe all as it doth, as a mixt Office, and not as meere Ecclesiasticall.

*The Exposition of the seventeenth Chapter.*

THE seventeenth Chapter that the Pratoricall Deputy, nor any other Person assisting in the Governors place shall not bee a Consultor, ariseth from what is said before, because it may often chance, that the Governors busied may send some other of the Court, who if hee should doe the Office of a Counsellor, should in the Processe be set downe for such a one, and by consequent as a Minister of the Office, a thing which doth not besit an Assistant, and would bring in a Custome, through which Assistance which is a Superior thing, would bee turned into Counsell which is an inferior thing.

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*The Exposition of the eighteenth Chapter.*

THe eighteenth Chapter that restraint shall not bee granted, but onely in cases meere concerning the Inquisition Office, and in a Proesse framed with Assistance, and that in a doubtfull case account bee given to the Prince wanteth no prooffe; since that the same Canon Law hath ordained, that the Inquisition should not assume any cases but of manifest Heresie: yea, the Law being, that any Iudge may have power to declare, whether a doubtfull case doe belong or not belong to his jurisdiction, the Doctors say that the Inquisition cannot doe it, but onely assume those which are cleare, and to leave the doubtfull ones for the ordinary Judge, to determine whether they belong to them or no. But as this Chapter hath no neede of prooffe or declaration, so hath it neede of carefull observance. It is a thing frequent, yea and ordinary, that a Judge whose jurisdiction is limited, seeketh as much as he can to enlarge it, disabling the generall Iurisdiction, as well Civill as Ecclesiasticall. And this cometh as well through the naturall inclination which all men have as neere as they can for to command, as also for the profit which the Office receiveth: Wherefore if the Inquisitors doe extend themselves beyond their naturall duty, they are most to blame that doe suffer it, though sometimes with a good intent, yet never with wisdom. Some beleeve that the more they suffer that jurisdiction to enlarge it selfe, the greater Service they doe to God, and beleeve it is a favouring of Religion: Others with a good zeale have suffered the Inquisition to assume unto it selfe, blasphemies and Inchantments, and some others usury also, hoping that through the credit and severity of that Office, they would bee the easier rooted out. But the event hath shewne, and will ever shew the contrary; yea, the Service of God is diminished, offences take deeper roote, and the Office loseth its reputation. And if at any time the leaving of the Inquisition, a cause which did not belong unto it hath proved well for the present, it hath afterwards caused so many and so grievous evils, that the

the Secular Magistrate hath beene forced through meere necessity, to re-assume the Cognisance of those offences, which with small discretion he had left to the Inquisition, not without many controversies, and contentions of jurisdictions betwene that Office and the proper ordinary, accompanied with many confusions. Wee must not thinke that the restraining of the Inquisition Office within the due bounds, the not suffering of it to assume any Cases, but those which manifestly belong unto it, and to proceed with the presence of them who ought to be there, and other like modifications, to bee a diminishing, or an abusing of it: but contrariwise this is a way to extoll it, to make it the more to bee respected, and to preserve it perpetually. In those Countries where heretofore it was, and now at this present it is driven out: it hath beene for no other cause, but onely because they have assumed so much to themselves, that it was intollerable to the people. Every one doth willingly endure a reasonable bond, but from an excessive one, every one will seeke by all meanes though indirect, to free themselves. The ancient History of the *Gordian Knot*, which, because it could not bee untied, was cut to peices, is to be applyed to all humane ties and bonds, which if they be of such a sort, that those which are unjustly bound, may free themselves by ordinary way of Iustice, then they are suffered, but if there be no ordinary meanes, then they runne to extraordinary ones, as seditions, and other plagues: Wherefore it is verily to be beleeved that it is doing of God good service, for to restraine that Office within the due bounds, which is so necessary for the preserving of Religion, and that to grant it exorbitant Authority, thinking it to bee a favouring of Religion, is an undiscreeit zeale, prone to end in the dishonour of God; dammage of Religion, and publicke confusion. And in this most happy estate, with much service to God, it hath bin preserved through the orders which the renowned Common-wealth hath made from time to time, to withstand the abuses which were creeping in, by enlarging the Authority more than it ought to bee. And as long as the same orders shall bee kept, and remedies found for other abuses which should daily grow, it will ever be preserved with the same fruites.

*The Exposition of the nineteenth Chapter.*

THe nineteenth Chapter that Inchanters, and Sooth-sayers doe not belong to the Inquisition, is without any difficulty, for the same Canon Lawes doe forbid the Inquisitors to meddle with them, unlesse they doe containe manifest Heresie. And it is the more needfull to performe this, because that those who are accused for such offences are women, or other weake brained Persons, who had more neede to be taught or instructed by the Confessor, than to be punished by a Iudge, and especially if they bee persons of quality, whom it is not fitting to carry before Tribunals; with scandall and disturbance of the family. The same care is to bee had, that they meddle not with Witch-crafts, as is said in the twentieth Chapter, which Chapter needeth no Exposition.

*The Exposition of the one and twenty Chapter.*

THe Inquisition ought not to Iudge of ordinary Blasphemies, since both the Canon and Civill Lawes, and the custome of all the world have decided that they doe not belong to the Inquisition; neither doth any one doubt of it, seeing the plainnesse of the Lawes: as for the hurtfull witches, the most excellent greater Counsell ordered that they should be punished by the Magistrate; for Ecclesiasticall punishments, are not sufficient chastisements for so great a wickednesse. The same reason did move the most excellent Senate to determine the same in cases of hereticall blasphemy in the yeare 1595. which deliberation was very mature, & after advice taken of the

the Consulters of that Age: which two determinations doe not take away nor hinder the Cognisance of the Inquisition, for the quality of suspition of Heresie; but leaving that circumstance to the judgement of that Tribunall, they onely punish that offence which would otherwise remaine unpunished; the Ecclesiasticall jurisdiction having no punishment answerable to it. Which thing is no let to the Office of Heresie, but a chastisement for the injury done to God, and the dammage done to the neighbour. Some Inquisitors would have not onely the punishing of Heresie, but also the misdeede; and the blasphemy to be left unto their judging, and they give two reasons for it: The one is, that when in the offence there is the principall and the accessory, the principall draweth the other unto it: but in hereticall blasphemies, suspition of Heresie being the principall, and belonging to the Inquisition, the blasphemy also ought to belong unto it which is but the accessory. The other is because it seemeth too cruell to them, to have one offence punished with two sentences; and doe alledge the common saying, that there are not two Iudgements allowed, against the same fault; but these oppositions are easily answered. The first, because that suppose the suspition of Heresie were the principall (which thing St. Thomas doth not allow) yet neverthelesse it is not necessary, that it should draw the blasphemy along with it, since they are not so connexed together that they may not be severed, and that one may not have judicall knowledge of the one, without knowledge of the other, but the Secular may very well admit the Persons, and examine him that is accused concerning the injurious words uttered against the Divine Majesty, without going any further to examine what is his believe, and what hee beareth in his minde. Therefore there is no such connexion betweene the blasphemy, and the enquiring of the Heresie, but that they may be separated, and each judged in the right and competent Court. The like is to be said when holy and Divine words are had in derision, as in transformed Psalmes, in which the Secular takes notice, onely of the injury done to God, leaving it to the Inquisition, to seeke whether it may thereby be supposed that the offender hath a perverse believe. And in the offences done against holy Images with wounds and other stroakes, it is a great deale plainer, seeing that the Magistrate punisheth, nothing but that externall act, where y Christ hath bin injured in his Image, leaving it to the Inquisition to search, whether the offender have sinned because hee beleeveth some false Doctrine, or onely through wilfull malice. And to this purpose

purpose it is good to consider, that Hereticall blasphemy is not the same as a sincere or cruell blasphemy; most cruell is that which is most grievous and most abusive. Most Hereticall that whence groweth the greatest suspicion of Heresie, though in himselfe not so great. The Inquisition regardeth the greatest suspicion, which carrieth with it the greatest signification of there being an error in the mind, though in it selfe it were not so abusive, and for this cause sometimes will make more matter of words spoken against Saints, than against the divine Majesty. The greatest punishment the Inquisition inflicts upon a blasphemer, is Abjuration, which punishment, if it bee on a person of low degree, may be said to be no punishment at all. And therefore because offences of such importance should not passe unpunished with scandall and evill example, the publicke determination that the Magistrate should punish the blasphemy, and leave to the Inquisition the matters of Heresie, is both just and necessary: But that which seemeth absurd to some, *vid.* that two Judgments should bee made in one cause is not inconvenient, when the punishments which are inflicted are not of the same kind, and the end of the wrongs is different; the same Cause may be judged as civill, and afterwards as criminall. The end of a civill Judgment, is to give every owne his owne; the end of the criminall, is to punish the Usurper. So in cases of Blasphemy, the end of the Inquisition is, if the blasphemer have a false beleefe to teach him the true, and absolve him from the censures he hath incurred by holding of the false. The end of the Magistrate is no other but to punish the injury done to the divine Majesty. The punishments which the Inquisition imposeth, are spirituall, as Abjurations, Absolutions, or Adviselements: The punishment which the Magistrate inflicts are corporall, yea, it may be said moreover that they doe not make two judgments in one Cause, but in two severall Causes, the Magistrate judging the offence of Blasphemy, and punishing it with corporall punishment, whereas the Inquisition forgoing the offence, judgeth of the quality of the suspicion, and punisheth it with spirituall punishment.

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The Exposition of the two and twentieth Chapter.

THE two and twentieth Chapter mentioneth, that some Inquisitors to extend their jurisdiction, pretended that the offence of having two Wives did belong to their Office, who doe alledge for reason, that it is an abuse of Matrimony, which is a Sacrament; and that in *Spaine* the case is reserved to the Office of the Inquisition. Contrary is the common Opinion of Civilians, who seeing the Lawes have imposed no punishment on this offence, and the Canon Lawes doe not speake of it, they conclude by necessary consequence, that it belongeth to the Secular jurisdiction: and this is observed in all Tribunals, also in the state of *Milan*, where the Inquisition hath more extended her Authority, than in any other place of *Italy*; the reason brought to the contrary, that it is an abuse of the Sacrament of Matrimony, concluded nothing: for the first Wife taken in true matrimony hath the Sacrament annexed to it, and in this there happeneth no abuse at all. Then in taking of the second, there is no Sacrament, nor Matrimony, nor any manner of Spirituall contract, but a meere nullity done *de facto, non de jure*; so that there cannot be said to be any abuse of the Sacrament neither in the first, nor in the second act. Well may it be said, that by the second wicked act of taking another Wife, there is an injury done to the first which was a Sacrament, and this is most true, but the injury done to the Sacrament of Matrimony doth not belong to the Inquisition: for adultery is an injury done to the Sacrament, and yet it doth not belong to the Inquisition to judge of it. And if any one would make having of two Wives, a token of Heresie, inferring that hee that doth it beleeves it to bee lawfull; with this reason hee might draw all cases to the Inquisition, for it may as well be said that the adulterer, or the thiefe doe commit these wickednesses, beleeving that they are lawfull things; and amongst the rest wee should put into the Inquisition, all *Gipsies*, who get their life by stealing, and much more

more your high-way robbers. But contrariwise wee must alwayes suppose, that every sinner hath a true beliefe, and Catholicke Doctrine, but doth sin either through frailty, or through malice, or through humane compassion, and so ought to bee punished by his ordinary Iudge: which ought also to bee observed in him that hath two Wives, if there appeare no other token of a perverse beliefe. And it is not true that in *Spaine* the case is absolutely reserved to the Inquisition, yea it is ordinarily punished by the Secular, by branding in the fore-head with a hot Iron. But because the *Jewes* and *Moors* hold plurality of Wives to bee lawfull, those who are of *Jewish* or *Moorish* race are examined at the Inquisition, for the suspicion of Heresie, and punished with branding for the offence. If a *Turke*, or *Jew* become a Christian, be found to have two Wives, hee may bee tried in the Inquisition for his suspected beliefe; and for the offence in the ordinary Court of Iustice. But when either for carnality, or to steale the portion, or for any such ends any one hath taken a second Wife, they ought without any circumstance to proceed, doing Iustice in the ordinary Secular Court, punishing the offence as the quality of the particular circumstances shall require, preferring the common opinion of Lawyers, and the Universall custome of Courts, to cavils onely invented to confound jurisdictions.



The Exposition of the three and twentieth Chapter.

IN cases of usury as it is said in this Chapter, it is questionlesse that the Inquisition ought not to meddle in them: So have many Popes of *Rome* answered Inquisitors, who have purposed to draw cases, and questions of Usury unto their Office, and the Decree is also Registred in the Canon Law, where to exclude absolutely all cases of usury out of the Inquisition, and to provide that by no indirect way, nor under any good colour it might be attempted to judge of any, the Pope saith: That though the Inquisition had enjoyned some converted Hereticke such pennance, as if hee had beene an Usurer
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he should make restitution; yet for all that, not so much as against him can they meddle in such cases. It is behoovefull both for Gods Service, and the reputation of the Inquisition Office, with all diligence to keepe many causes from them: So this Chapter being cleare, wee neede not say any more of it.



The Exposition of the foure and twenty Chapter.

IN this Chapter is set downe, that *Jewes* nor other Infidels shall for no cause be subject to the Inquisition Office, but onely to the Secular Court. It was said by the Apostle St. *Paul* plainly, that the Ecclesiasticall Power doth not extend to judge those that are not of the Church. And so much hath bin held and observed also in these latter times. Pope *Innocent* the third, declared that they were not subject to the Pope, neither to the Law, nor yet to bee judged; since that by vertue of the Law the Iudge doth exercise his Office. Besides, the Infidels of what kind soever they be, are not capable of Spirituall punishments, and therefore are not subject to the Church which punisheth with such. In the Body of the Civill Law there be prohibitions, and punishments against *Jewes* which blaspheme, or injury Religion, or draw Christians to Iudaisme; or to offend *Jewes* which are become Christians: And the Popes of *Rome* themselves, have not used any other remedy against *Jewes* and other Infidels, who have offended in wronging or slanderling Religion, but onely to excite Princes, and Secular Magistrates to doe their duty in punishing them: To this purpose there be many Decrees in the Canon Law: Some Princes to discharge themselves of the trouble of judging such causes, have delegated them to the Bishops, which hath not pleased the Popes very well.

The King of *Sicily*, having delegated power to some Bishops of his Kingdome to punish the *Sarazens* of his Kingdome, in certain:
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cases where they offend Religion. Pope *Alexander* the third did write to them that they should onely punish such offences, for which was sufficient a pecuniary Mulet, or whipping, without blood-shed: But if the offence did deserve any greater punishment, they should not meddle with it, but should leave the judging of it to the temporall Power. This authority established by the saying of *St. Paul*, confirmed by the Canon and Civill Lawes, and by Customes, none should attempt to contrary it. But the desire of enlarging authority, doth so blinde some men, that without regarding so much plainenesse, they turne themselves to cavils of no moment, saying, That if God doth punish, and hath punished Infidels, the Pope, and the Inquisitors his Delegates, may and ought also punish them. A reason which would prove that they might punish both Christians and Infidels, and all manner of offenders, for all manner of offences, though never so concealed, and also sinnes onely conceived in the minde: for God doth punish all these. The truth is, that Christ hath not given his Vicars any power but onely over his Church, and in spirituall things, and therefore they can judge none but Christians, nor punish them but onely with spirituall punishments. The temporall punishments God hath committed to the Secular power, for punishing all manner of offences, and against all offenders be they of what Religion they will: And certainly to make an argument from the Divine Omnipotencie to humane authority, it agreeth not with the reverence due to the Divine Majesty: But another thing must be considered, for they say, that although Infidels be not subject to Ecclesiasticall power; yet when they doe offend the Church, reason will, that she may defend her selfe by punishing them, it being a terme of Law, That he who is not subject to a Territory, by reason of an offence committed in it, becomes subject to it, which things well understood are all most true, yet doe they not conclude in this purpose: For the Church must not be denyed the defence of her selfe, if she be offended, but she ought to doe it with all offenders by meanes of the Magistrate. The Infidell who violates holy things, and offends Religion must not remaine unpunished, and the Church may defend it selfe, but not with its owne forces, but with the authority of the Magistrate: to inflict punishment doth not belong to him that is offended, but alwayes to the Iudge, and when by an offence the Delinquent should have his Court of Iudgement allotted him, hee becommeth not subject to him that is offended; otherwise every private man might chastise him that doth offend him, but he becommeth

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meth subject to the Iudge of the place where the offence is committed. Wherefore these reasons prove nothing but that the offence done by the Infidels to the Church, ought to be punished by the ordinary Secular Court of judgement: and so much the rather ought this to be observed, because both Divine and Humane Lawes doe order it so, when such sorts of offences deserve greater punishments, as indeed such offences, for the most part are so grievous that they will deserve greater punishment than the Inquisition would inflict upon them.

In the yeare 1581. Pope *Gregory* the thirteenth, framed a Bull against Jewes, in which he did subject both them and all other Infidels to the Inquisition in tenne cases so fully set downe, that if it should be observed no Infidell might inhabite nor trade within Christian Dominion. This Bull although it were imprinted, yet was it published or received but in very few places, and it were impossible to observe it. Yea, Pope *Sixto* the fifth, and *Clement* the eight not regarding it, did give Infidels safe conducts to come to the City of *Ancona*. And that which is most important is, that in the Commission granted by the Cardinals to the Inquisitors, wherein is expressed how farre their authority extendeth; there is not the least mention made of Jewes or other Infidels; a manifest prooffe that they can pretend no power over them. But of that Bull of *Gregory* the thirteenth, and other, it will be a more fitting place to speake at large in the 28. Chapter: To conclude therefore the Inquisition Office is ordained against Heresie: wherefore it is not fitting it should be enlarged to other offences; Infidelity is no Heresie, and the offences which Infidels commit to the wrong and dishonour of Religion, have no need of Ecclesiasticall Cognisance, but may very well be taken notice of, and punished by the Secular power, and it ought to be observed, it being commanded by the Divine, Canon, and Civill Law.



The Exposition of the twenty fifth Chapter.

THE Office of the Inquisition out of this State pretends, that it may judge your Easterne Christians upon any Articles, even in those wherein the Nation wholly dissents from the Court of *Rome*. In this most renowned Dominion, regarding the protection which the Prince hath of the Greeke Nation, the Inquisitors doe not extend their pretences so farre, but say : That the *Greeks* may be suffered in those three opinions, wherein they dissent from the Easterne : but if any of them doe hold any sinister opinion, in any of those heads wherein their Nation agreeth with ours, that they ought to be subject to the Inquisition. Which distinction is superfluous, and not lesse opposite to the Princes protection, then if they were judged in the three different cases, also it is superfluous, because that there being no Heresies at all at this present amongst the *Greekes*, concerning any of the common Articles, this case cannot happen against the protection, because that they are bound by their customes to acknowledge no superiour in any thing, but onely their owne Priests : which thing whether it may justly be maintained, or no, may very well be decided by the customes which have ever beene observed.

The Easterne and Western Churches continued both in communion and Christian Charity, for the space of nine hundred yeares or more, in which times the Pope of *Rome* was revered and esteemed no lesse by the *Greekes* than by the *Latines*. He was acknowledged for St. *Peters* Successor, and chiefe of all the Easterne Catholicke Bishops. In the persecutions of Hereticks they implored his aide, and of other Bishops of *Italy*, and this peace was easily kept, because the supreme power was in the Canons, to which both parts acknowledged themselves subject. Ecclesiastical Discipline was

severely

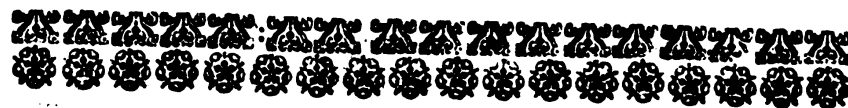
severely maintained in each Countrey by the Prelates of it, not arbitrarily, but absolutely, according Order, and Canonically rigour, none putting his hand into another mans Government, but advised one another by the observance of the Canons. In those dayes never any Pope of *Rome* did pretend to conferre any Benefices in other Bishops Diocesses ; neither was the Custome yet brought in of getting money out of others by way of Dispensations or Bulls. But as soone as the Court of *Rome* beganne to pretend that it was not subject to Canons, but it was according to her owne discretion, she might after any ancient Order of the Fathers, Councells, yea, and of the Apostles themselves, and that it attempted, in stead of the ancient Primary of the Apostolicall See, to bring in an absolute Dominion, not ruled by any Law or Canon, then the Division grew.

And though within these seven hundred yeares a peace and reunion hath beene often attempted, yet could it never be brought to passe, because they have alwayes hearkned to debates and disputes, and not to the taking away of that abuse which was the real cause of bringing in the Division, and hath beene the true cause as yet of maintaining it. Whilst the Churches were united, St. *Pauls* Doctrine was also joyntly held and observed, that in cases of publicke Government, every one should be subject to the Prince, because God commands it so, who is disobeyed by him who doth not obey Secular Power, by him appointed for the governing of mankind. Never did any pretend that he might not be punished for his offences, holding it for certaine, that to have an exempted power to doe evill, is a thing condemned by God and men : Saint *Paul* his words were in every ones mouth, *vid. Wilt thou bee exempt from feare of Temporall punishments, doe well, and thou shalt not onely not bee punished, but shalt also be applauded by it. But if thou dost evill, thou oughtest to feare it, because the Sword of Justice for the Divine service to punish evill deedes hath not beene given to it in vaine.* After the Division of the Churches in the Eastern Church, the same opinion remained, and still remaineth, *vid.* that every Christian for Spirituall busineses is onely subject to Ecclesiastical power, but in Temporall to the Prince. And nothing is more Temporall than offence, because nothing is more contrary to the Spirit.

There continueth also amongst the *Greekes*, that Doctrine, that Bishops ought to judge ; which opinion is Catholick, and which hereti-

hereticall, but to punish those who hold hurtfull opinions, belonging to the Secular. Now the truth being thus in the things aforesaid, which are manifest and cleare; the Inquisition ought not to meddle with the *Greekes* for foure reasons: First, because that whilst a cause remaines undecided, it is not reasonable that the one party should bee judged by the other in their owne controversie: But this is the controversie betweene the *Greekes* and the Court of *Rome*, that they require the observation of the Canons, which subject each Nation to their proper Prelates; and the Court of *Rome* pretends to bee above the Canons: Therefore the *Greekes* ought not to be judged by the *Romish* Officers in this controversie. The second is, because that it is certaine that before the division, the *Grecians* were in Temporall judgements subject to the Secular Magistrate; and in Spirituall to their superiors; Therefore it is just to have their right and custome maintained to them. The third, is because if the Prince should grant the Inquisition power to judge the *Greekes*, hee should deprive himselfe of his proper Authority, which he may with quietnes exercise, & not without trouble give way to have it exercised by others. The power of punishing offences in the *Greekish* Church, hath alwayes beene in the Prince; and the *Greekes* in these dayes doe confesse it, and desire it may so continue: So that with quietnesse justice may be administred by the Magistrate, whereas the leaving of it to the Inquisition, with contradiction of the whole Nation, might bring in a thousand inconveniences. The fourth, because the most renowned Common-wealth gives the *Greekes* leave, to live according to their customes; but their custome is, that in Secular things, and in the punishing of any manner of offence they shall be subject to the Prince, and in spirituall things they shall obey their Priests: therefore maintaining the protection which is promised them, they cannot bee subject to others. Therefore it is not bee suffered, that the Inquisition should search out what the *Greekes* doe, or beleeve in secret: And if they chance to heare that any, lives or speakes scandalously of the *Latins*, then have they a ready and easie way to helpe it, by giving the Magistrate notice of it, by whom justice shall bee administred, and especially in a matter of such importance, as to provide against scandals and tumults.

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The Exposition of the sixe and twentieth Chapter.

THE sixe and twentieth Chapter, that no man be publickly cited who is gone beyond the mountaines, upon the imputation of any offence committed in those Countries, seemeth at first sight to be a thing which cannot happen, and happening to be of very small moment: yet if that way were once given, it would bee very frequent and of great importance. Pope *Clement* the eight, in the yeare 1595. made a Bull concerning *Italians* onely, commanding that none, no not for matters of Merchandise should goe into a place where there were not a Parish Priest, and a publicke Church which exercised the *Romish* Rites, unless hee had leave from the Inquisitors; adding that those who had leave, should bee bound to send every yeare a certificate over, that they were confessed, and had communicated. To bring in the observance of this Bull, as soone as any *Italian* comes beyond the mountaines, presently the Iesuits come upon him for coming over without Licence; and if he doth not yeeld unto them, and promise them obedience, they presently examine some adherent of his against him, and frame a secret Proesse against him, which they send to *Rome*, from which there is a proesse writ to *Rome*, to the Inquisitor of the place where hee was bred up, to call him by publicke Citation. This Citation in former times, was wont to be made from the Inquisition of *Rome*, but now they are beware of doing so, because the Cities beyond the Hills doe revenge themselves, by proceeding against some adherents of the Court of *Rome*, and to avoyd this danger, they cite no more to *Rome*, but have him cited to the place of his bringing up. This invention though it bee coloured with Religion, aimeth at the making of the Court of *Rome* Mistress in *Italy*, of Merchandises which come from beyond the Mountaines; as three hundred yeares agoe it brought under it, with a lesse pretence, the Merchandises of the *East*. It will not bee from the purpose to relate here what was then

then done, and what was the event of it; especially within this City, that we may the better sinke into that which is now done. It was ordered and commanded by the Governors, that *Infidels* should be forbidden to carry Armes, or any other instrument where with they might make Warre with Christians; the Decree as honest was received by all men: This ready obedience of the World, gave Pope *Clement* the fifth, hope of stepping yet one step further: wherefore in the yeare of our Lord 1307. hee published a Bull, and commanded that none might carry any Merchandise of any kind into the the *Easterne* Countries, nor that there should any bee suffered to goe out of the Harbors for such a voyage, upon paine of excommunication, and other grievous penalties, as well spirituall as temporall: and amongst other that none hath carried, or suffered any to bee carried of what kind soever, might bee absolved unlesse hee first precisely paid so much as the principall which was transported amounted unto. The difficulty, if not impossibility of observing so strict an order, was a cause that there were many offenders in *Venice*, who during their life did little thinke of it: but at the poynt of death to receive their absolution, they left (according to the Popes command) order to have the offence satisfied: Neither wanted there Confessors to urge it instantly, denying also absolution to such as did not pay, or give order to be paid, so much as the principall of that which hee had carried into the *East* came unto. Many who have beene that voyage severall times, found themselves to owe more than they were worth at their houre of death: Wherefore for the discharge of their Consciences, they would by Will leave all they had to the Popes disposing. The Heires, and the Commissaries did deferre the executing of the Wills, seeing they tended to the destruction of Families, and of the Common-wealth, especially there being some who held such Wills to be voyd and extinguished. By this meanes in fifteene yeares the money due to the Pope, came to a summe sufficient to have emptied the City of money: to which Pope *John* the two and twentieth, who was his successor applying his mind, and gathering the money on all sides, in the yeare 1322. sent *Ardenato Largo*, and *Falcone Castario* Nuncios to *Venice*, to receive that which by Will was left to the Popes disposall, constraining notaries and others to produce the Wills, excommunicating them which did not deliver them. Besides hee gave these *Nuntios* Commission also to see to, and to excommunicate all those which were alive, that had sayled thither, & to absolve them, paying the principall of the Merchandise which

which was carried thither. These *Nuntios* being come to *Venice* & having erected a judgement Seate, committed divers disorders, amongst the which one was, that they Excommunicated *St. Marke* his Proctors, and above two hundred other Persons, men and women for the aforesaid cause. Those who were then consultors of the Common-wealth, amongst which was one *Andrea*, Bishop of *Chiozza*, did advise that these *Nuntios* actions were not Lawfull, & resolved to withstand them with apeales, & other remedies which were put in practice, to that these *Nuntios* attempts did take no effect. Onely as it hapneth in such cases many inconveniences remained, which continuing with great danger for the space of two yeares, the Pope was forced to apply a remedy, which was worse than the soare. He made a Bull in the yeare 1324. confessing that his *Nuntios* actions had bin disorderly, suspended the censures by them pronouced, and gave the Arch Bishop of *Ravenna* Commission to execute it; commanding him afterwards, that he should set downe a convenient time for men and women who had beene censured by the *Nuntios*, to appeare for that cause at the Court of *Rome*, which was then at *Avignon*, either in Person, or by their Proctors to treat of their business, excepting none but onely the Duke and the Commonalty. It was a brave increase for the Court of *Rome*, to have some 200. Persons or more to come thither at once, for money matters of so great weight. But what happened, and whither the Pope were obeyed by few or many, I cannot justifie: But it is certaine that then there did arise an opinion which said, that it was no sin to carry Merchandises to *Infidels*, so they were not things for the use of Warre, and therefore that the Pope could not hinder it: which moved him in the yeare 1326. to make a Bull, declaring them to be Hereticks which said that it was no sinne to carry Merchandise to the *Infidels*, although they were not usefull for Warre. But then the controversies which the Pope had with the Emperour, brake out into an open Warre, so that he being (as *Ludovico Bavaro* writes) all the rest of his life employed in greater affaires, had no time to thinke on this. Under his successour there was some moderation found, because he set his hand, not to the revoking of the Decree as it had beene just, but to grant Licences. And this renowned Commonwealth asked for them, and obtained them; sometimes for a yeare, and sometimes for a longer time, but prefixed; and sometimes restraining the number of ships, sometimes leaving it free: And these Licences cost money, but how much it was not alwayes knowne.

Yet will I speake in this particular, that for one Licence granted by Pope *Innocent* the sixth, in the yeare 1361. they agreed to pay nine thousand Ducats of gold of the Chamber, alleading that it could not be done for lesse; because that the Apostolicall Chamber was exhausted, and in want. This grievance lasted untill a little after the yeare 1400. for then the truth being made manifest to the World, that it was free and Lawfull for the Merchant to doe it, the Court with-drew it selfe from her pretences.

Now to attempt that none should goe without a Licence, into any Lands, which doe not acknowledge the Pope, hath a more seeming colour than at that time; saying, that it is done for feare least they should be embrewed with some false Doctrine: as though a written and sealed paper could be a preservative unto them, and as though he might not chance to escape untouched which went without a Licence, and that it were impossible for him that had it to bee infected: Whence it is evidently seene, that forbidding them to goe into those Countries without leave, is not zeale to Religion, but a desire of commanding, and to bring the Secular Power under, and to reape some good benefit. If the just liberty of Merchandizing ought not to beare this burthen, it neither ought to bee suffered, that one who hath here lived as a good Catholicke, and is gone beyond the Mountaines, because he hath not asked the Inquisitor leave, should be molested and hindered in his businesses, for any imputation laid upon him from *Rome*, to the disgrace of his friends, who are blemished thereby: especially since they refuse to have this citation made at *Rome*, fearing the revenge of those Cities beyond the Mountaines, which shall hold themselves offended thereby: it is not reasonable that they should thus conceale themselves, & lay on other mens backs, that which is done for their owne proper ends, and so by these indirect wayes, make themselves masters of the Merchandize which cometh from beyond the Hills. And therefore, if any Native of this Dominion, have lived as a good Catholicke in this Country, and for his owne occasions have passed the mountaines, it were unjust to trouble him any way before his returne, upon any relation that shall bee made of him.



The Exposition of the seven and twentieth Chapter.

Concerning the 27. Chapter, that confiscation of Goods shall not be admitted in this matter of Heresie, it being already brought in, and the custome established without any contradiction, there needeth nothing but onely to continue the observing of it; since it is much for God, and Religious service, whereof when one treateth it is alwayes hurtfull to intermixe any money matter with it; because that thereby the World is scandalized, and seeing money happens into the businesse, it cannot be perswaded (though it were plaine and true) that the Service of God holdeth the first place therein. The Court of *Rome* will never cease upon all occasions to blame this order, beleeving that this moderation established by the most renowned Common-wealth, doth to upbraide the *Roman* Ordinance with too much severity. That which it will publickely alledge is, that Heresie is an offence of treason against the Divine Majesty, which ought more to bee punished than that against man; wherefore it is a perverting of order, when greater punishment is inflicted on him who offendeth man, than on him who offendeth God: and therefore if they confiscate goods for humane treason, much more ought they to confiscate them for Divine treason, which offence they runne into by Heresie. But this appearance is but a shadow without a body, for it would condemne their owne constitutions, which doe pardon the Delict of Heresie for the first time, but the Delict of humane Majesty offended, is not pardoned for the first time: so that it would seeme that lesse account were made of offending God than men. Wherefore the truth is, that in imposing of punishments, respect is not had onely to the grievousnesse of the offence, but also to the circumstances of the damage which it bringeth to others; or to the dishonesty adjoynd to it, or to the more perverse will of the offender. Humane Majesty is not offended, but with a certaine malice, and desire of him that offendeth, and Heresie

very often is through ignorance; whence this for the most part deserves compassion, but that never. The confiscation of Goods terrifieth others, who at least abstaine for love of their children, preferring their good before the passions which move them against their Prince. But in case of Heresie every one seemeth to be moved by a spirituall respect, which ought not to bee lesse esteemed than the death of children. The event sheweth that this most happy state, with more generall satisfaction, rests as free from hereticall dissension, without taking away of goods, as others where with severity they are taken away. Therefore not regarding other mens orders or examples, or what others say, we ought to follow those orders which experience teacheth us to bee good.



The Exposition of the twenty eight Chapter.

THe twenty eight Chapter, that no Bull or Ordinance of *Rome*, neither new nor old, be published without the Prince his expresse Licence, is of most important and necessary consideration for the preserving of the Inquisition; Upon which Chapter I will first set forth the juridicall and true reason, why it ought to be so observed, with the inconvenience which would follow, if it were done otherwise.

It is cleare, that as every one may, for his owne ends, at his owne will and pleasure, change Orders, and governe a jurisdiction which is wholly his owne, without acquainting one therewith, or asking any ones consent; so where by contract and agreement betweene two, there is a Tribunal set up, and a forme given, one of them cannot upon any reason, though never so excellent and undoubted, make any alteration without the consent of the other contracter: such is the nature of a contract and agreement, that as it receiveth his being and existence by the consent of the Contracters, so it cannot

cannot receive the least alteration without the same consent: So that if any alteration bee needfull through change of times, or other circumstances, it cannot be lawfully made but by both parties. It is plaine that the office of the Inquisition within this dominion was appoynted by order of the greater Councell, and by consent of the Pope in the yeare 1289. with Covenants then established. Wherefore no new thing which hath happened since can alter it, if the same who agreed in the institution, doe not likewise agree in the alteration: And therefore if the Court of *Rome* decrees any new thing concerning that matter, it cannot extend its force upon that Office, but onely with the Prince his consent. This is the true reason why Bulls and Orders made since that time at *Rome* cannot binde. Neither can it be alledged to the contrary, that diverse times doe require divers Orders, and that Popes for the better government have made other reasonable Lawes, which ought to be received: for the answer to this plaine, that as in the world nothing can bee held unchangeable, and every custome ought to be accommodated to the times and persons, so it is to be done to them whom in reason it concernes to doe it, and by no others. If any one would rule common businesse of himselfe, though he did doe it with a good intent and happy issue, yet did he neverthelesse transgresse Divine and Humane Lawes: the same reason which caused the Inquisition to be first instituted by agreement, doth now also suffer no new Laws or orders to be made, but by agreement. To give force unto a Law it is not sufficient that it be convenient and reasonable, but it is also essentiall, that it be made by those who have full power: Neither is that said onely for the preservation of power and jurisdiction, but also for the necessity of a good government. The Inquisition was not then instituted with the same Conditions, as in the rest of *Italy*, because the considerations of this Common-wealth and other States were different. So now likewise divers considerations cause that which is expedient at *Rome*, sometimes not to bee expedient here: Wherefore it may not be convenient presently to execute in this state, that which the Pope for his owne respects hath ordered, but first ought to be considered whether it agree with the respects of this place, which thing none but the Prince can doe, as one who alone knoweth what is needfull for the publicke affaires: And therefore although the new or old Bull should seeme unto the Governour honest and profitable, yet ought not he therein to follow his owne judgement, it being proper to the Prince alone to know what

what is expedient: Neither ought it to seeme grievous to the Bishops or Inquisitors, to have that which is just and lawfull executed in due manner, judgement, and forme. The Inquisition of *Spaine* which is likewise ordained by agreement, proceedes in the selfe same manner. It hath its owne Lawes and proper Customes by which it is governed, neither is it altered, or receiveth new Orders from *Rome*; but if for any publicke respects the Court beleeve, that it were good to bring up some new thing in *Spaine*, they write to the Generall Royall Counsell over the Inquisition where it is consulted of, and according as the respects of *Spaine* will beare, it is received either in part, or in all, or in part, or in all laid aside.

But that the observance of this Chapter is necessary not onely for the maintaining of the proper Power, and jurisdiction, but also to withstand infinite inconveniences, hee may finde it plainly that shall consider these things following.

First speaking of Bulls already made, many are contrary to the Institutions of this most renowned Common-wealth; as those that command Hereticks to be burned openly and alive. The confiscation of goods, with censures to those Princes who doe not admit of them. The demolishing of a house where a Heretick is found, although it be none of his owne: That the Inquisition may cause any that it suspecteth to give it a pecuniary security to live a good Catholicke: That the Inquisition have an armed Court properly belonging to that office. All these are Pontificall Ordinances, contrary to the Customes of this State; some doe give Inquisitors excessive authority, as those which will have them, have power to give leave to weare Armes, and to make *Crocesignati*, which things could not be put in practice, without great confusion: some are so severe, that they cannot agree with the government of this State, as that of *Paul* the fourth, which will not have him pardoned his life, that will come home againe, having held any one of those five Articles, which by him are named: And another of *Pio* the fifth, that no sentence given in the behalfe of one that was accused and found innocent, should *transire in rem Indicatum*, although it were given after the Canonick purgation, but that the Office may alwayes take the same cause in hand againe, upon the same proofes, which order if it were in use would be a continuall torment to those wretches.

And that other of the same Pope, that whosoever should offend, or but onely threaten a Notary, or other Officer of the Inquisition, or a
Witnesse

nesse examined in that Office, besides the Excommunication, should be guilty of High Treason, and should be punished with Capitall punishment, his goods confiscated, his children infamous, and incapable to succede others by will: To which punishment should also be subject whosoever should not onely cause one to escape out of Prison, but he also that should but attempt it, although the effect did not follow: and also whosoever should favour any such, or mediate for them, with other clauses of most cruell temerity, comprehending also titular Persons and Princes. Yet this is that Bull which was made in the yeare 1569. but was never received nor published in this State. The Cardinall *Arrigoni*, eight and forty yeares after that, *vid.* in the yeare 1617. commanded the Inquisition of this City of *Venice*, that it should print it and publish it, and it had beene done, if the most renowned Reformators of those times, by order of the most excellent Counsell had not hindered it. Any one may consider how many Processes might be made for every word that should be spoken to one of the notaries, witnesses, or denouncers, who had thought themselves wronged, and how many wretches would have bin daily vexed. It were long to rehearse all those things which are contrary to the customes of these Countries, but the above said are sufficient to shew that without the disturbance of the publicke authority and peace, they cannot be all generally admitted. But if any be necessary or profitable for the punishment of Hereticks, it is fitting that it should be received: but to know which is such a one, belongeth properly to the prince, nor can any one else know it. Neither ought any one to be confident that they may be received without confusion, because they are of force in *Rome*, and yet things there are quietly carryed, the State of *Rome* being different from that of other Princes. The *Romans* say they are above these Ordinances, if they thinke fit they may observe them, if not, they may omit them, or dispence with them, and they doe wonderfully serve for their ends, as well when they are observed, as when they are disobeyed, because they are not to be ruled by the Lawes, but they doe rule the Lawes. Contrariwise in other States when they are once published or received, they are no more in the Prince his power: They must then runne to *Rome* to seeke a remedy, when they are heard, and either they doe get remedy or not; they regarding not what is behooevfull to another State, but to their owne. And this is that which the court of *Rome* would have, and every day attempted, *vid.* to have in their hand, under colour of Religion, the

the administration of some certaine things, without which States cannot be governed, by which meanes it would become judge of all governments. For this cause, the Popes say daily when they would cause their Decrees to be admitted, that if there be any inconvenience, they should have recourse to them, and they will helpe it, but the remedy which cometh not from the same Prince, but from them who have their proper interests, is worser than the fore. God whose workes are perfect, and who is the Author of all Principalities, gives to every one as much power as is necessary to governe well; neither will he have it acknowledged from any other, but from his Divine Majesty. All that which a Prince acknowledgeth from others, but from God, is slavery and subjection.

So much is said generally of the consideration which ought to be had in publishing or receiving Pontificall Orders made of old in matters of Heresie. But much greater care ought to be had concerning those which shall be made hereafter. Of them which are made already the number is certaine, it is knowne whether they be received in other places or no, how they are observed: what construction they receive, what is their aime, what consequence of good or evill effects they bring with them: But for the time to come, if the Court might have her liberty the number would grow to be infinite. When one newly appeares, it is not knowne whether the World will admit of it or no; the aime of him that made it, is not yet discovered, experience hath not shewne what effects it may bring forth; and therefore all delay and maturity in receiving of it, will bring forth abundance of conveniency with it. It is not said, that new reasonable orders are not to be accepted, but that they ought not to be received as of duty, or as subjects, but by agreement and publicke treaty, the institution of that Office requiring it as it is said, and with much consideration, because of the great dangers that novelties doe bring with them. The Court of *Rome* in making new Bulls, taketh no great advice; with ease they are made, because with ease they are revoked; or derogated from, or dispensed with; as it falls to be most commodious for their businesses, wherein they regard their owne ends: But that which is profitable for one State, is not profitable for another. The safety of this Dominion requireth that Religion should be kept inviolate in all her parts, withstanding all change and novelty whatsoever. The respects of *Rome* require, that no change shall be made, through which Pontificall

tificiall power may be diminished, nor the Court lose any of her profits which she draweth out of other Statutes: But those novelties whereby the profit of the Court may be increased, or temporall authority may be diminished, with the exaltation of the Ecclesiasticall, are not to be abhorred, but procured; and that wee see daily.

This most renowned Common-wealth, as well as other Catholicke Kingdomes, finds it selfe betwene two contraries. The Protestants who have no other aime but to diminish Ecclesiasticall authority; and the Court of *Rome*, which hath no other aime but to increase it, and to make the temporall her servant: Whence your Catholicke States and Kingdomes to preserve themselves, doe withstand all novelties on the one & the other side, and doe keepe Religion without any change at all, being knowne by experience, that either of the novelties are pernicious. That reverence which deservedly is given to Religion, is the cause that those abuses have easie admittance which come covered with that sacred Mantle. For the maintaining of Religion, the office against Heresie is respected, and for this cause, when *Rome* will bring in some novelty, it willingly makes use of that office, supposing that the true end will not appeare. And that hath beene wrought in the selfe same manner in times past, but very slightly in regard of what was done at this present. Nevertheless the Senators of those times were alwayes careful. They would have the Office against Heresie to be mixt; they have opposed themselves against all novelties; they have not suffered Ecclesiasticall Persons to doe any thing unknowne, unseene or unexamined. By these foot-steps must he walke that will have the Common-wealth preserved, not suffering new Bulls, or Decrees to be accepted within the State, if first by mature deliberation it be not made knowne, that they will bring in no inconveniences. Which deliberation is proper to the Prince, who alone comprehendeth the estate of publicke things.



The Exposition of the nine and twentieth Chapter.

THe nine and twentieth Chapter which treateth of publishing a prohibition of bookes, since the agreement of the yeare 1596. stands in force, there can no doubt be made of it. But it will be necessary to consider, that the agreement being made with so much consideration and maturity, as well of the Apostolicall Seas side, as of the most renowned Common-wealths side; the matter ought to be held of weight. This conference lasted foure Moneths, on the Pontificall side there was the Cardinall, the Nuntio, and the Inquisition; and on the other side the chiefe Senators of the Common-wealth, cleare arguments, that the businesse on both sides was held to be of great weight: and neverthelesse, though it was determined by common consent, yet did it not take away all hope from the Ecclesiasticall Persons, to have it forgotten againe and out of use. Wherefore then they treated, that there should bee but three score coppies Printed of the agreement, for nothing else but because there being an innumerable number of the coppies of the *Indexes*, of the forbidden bookes which passe through all mens hands, every one might see those documents, which give the authority over the bookes to Ecclesiasticall Persons onely, but the moderation of the agreement might not be knowne but by few, and so finally it might bee lost. And treading these steps in *Rome*, there is not a yeare but there comes forth a Catalogue of new prohibition, under the name of the Master of the sacred Palace, with clauses that it shall take place in all Cities, Townes, and places of every Kingdome, Nation, or People; and that it shall bind all men, although there be no publication who shall come any way to have notice of the Edict. This *Index* is sent to the Inquisitors, that by meanes of the Confessors they may get them to worke the best effect they can: and by this meanes the agreement is deluded, and groweth out of use. And that which is worse, when any *Index* is printed within this City, they doe endeavour to have those

those new prohibitions inserted in them: which they also attempted to doe this yeare. And if diligent care be not alwaies had, as it is at this present, they will one day set up a Court of Iustice, and open a way to the destruction of the agreement. Their intents to make themselves absolute Masters of Bookes, and the respects wherefore the Secular power hath neede to watch, to the end that they may not obtaine it, though they doe not appeare at first sight, yet with an easie consideration they are made manifest. The matter of Bookes seemes to be a thing of small moment, because it treats of words, but through these words comes opinions into the world, which cause partialities, seditions, and finally warres. They are words, it is true, but such as in consequence draw after them Hosts of armed men. In this matter the *Romans* cannot hide two high pretences which they have.

The first, that so they may prohibit bookes, not onely for cause of Religion, but also for any other cause.

The second, that the Prince shall not have power within his owne state to forbid any bookes; for any cause whatsoever: and if that any be by them approved, the Prince cannot hinder, although he judge it to be dangerous, but that within his Dominions it may be had printed and publickly sold. And these two pretences taking once effect, they should doe the Temporall power wrong in three notable particulars.

The first in prohibiting or corrupting Bookes which are good and profitable for the maintenance of a good government.

The second, in prohibiting of Bookes, which doe not belong to them to prohibit.

The third, in hindring the Secular Power from removing what shall finde hurtfull to a good government.

Of which three prejudices we ought to treat particularly, for to consider of the remedies. About the first, concerning the prohibition of Bookes, which at *Rome* are not liked of, though they be good and godly, because they maintaine Temporall Power. It is a cleare thing, that a Prince, especially one that ruleth with the Arts of Peace, useth this as a chiefe instrument to cause the people to beleieve this to be a firme truth, *vid.* that the Prince is ordained by God, and ruleth with Divine authority, and the Subject consequently in conscience is bound to obey him, and not doing it, offendeth God: that the duty of undergoing publicke burthens, either personall in bearing office, or reall in Tributes, Customes, or such like, doth

tye the Conscience, and bindeth under the paine of sinning to restitution, he that refuseth to beare them, or doth defraud them. Because that the Prince, by the Divine Law, is above any person that is within his Dominion, and may lay a burthen on any mans estate when publicke necessity, according to his judgement, shall require it. Everyone of himselfe, without any greater discourse may judge how easily a State may be governed, where the aforesaid Maxims, as they are most true, shall be so beleevd to bee, and the disorders which most necessarily happen where contrary opinions are held. Of these truths written by the Prophets, taught by Christ, and preached by the Apostles, ancient Fathers, bookes are also full and good Divines doe hold them, as they are necessary to be beleevd. But as there were alwayes in Gods Church, those who made use of Religion, for worldly ends, so the number of them is now full. These, under a spiritual pretence, but with an ambitious end and desire of worldly wealth, would free themselves from the obedience due unto the Prince, and take away the love and reverence due by the people, to draw it to themselves. To bring these things to passe, they have newly invented a Doctrine, which talkes of nothing but of Ecclesiasticall greatnesse, liberty, immunity, and of her jurisdiction. This Doctrine was unheard of, untill about the year of 1300. neither is there any booke found concerning it before that time: then did they beginne to write of it scatteringly in some bookes: but there were not above two bookes which treated of nothing else but this, untill the year 1400. and three untill the year 1500. After this time the number increased a little, but it was tolerable. After the year 1560. this Doctrine beganne to increase in such manner, that they gave over writing, as they did before of the Mysteries of the most Holy Trinity, of the Creation of the World, of the incarnation of Christ, and other Mysteries of the Beliefe, and there is nothing printed in *Italy*, but Bookes in Diminution of Secular Authority, and exaltation of the Ecclesiasticall, and such Bookes are not printed by small numbers, but by thousands: Those people which have any learning can reade nothing else; the Confessors likewise know none other Doctrine, nor to bee approved of neede they any other Learning. Whence comes in a perverse opinion universally, that Princes and Magistrates are humane inventions, yea, and Tyranicall, that they ought onely by compulsion to be obeyed, that the disobeying of Lawes, and defrauding the publicke revenewes doth not binde one unto sinne, but onely

ly to punishment; and he that doth not pay if he can but flye from it, remains not guilty before the Divine Majesty; and contrarywise, that every becke of Ecclesiasticall persons, without any other thought, ought to be taken for a Divine Precept, and binds the Conscience. And this Doctrine perchance is the cause of all inconveniences which are felt in this Age. There want not in *Italy* pious and learned persons which hold the truth, but they are not suffered to write, nor to print: Something comes written from another place, but presently it is prohibited: And little thought is taken of Hereticall Books, especially those that treat of the Articles of Faith; but if any one comes that defends the Prince his Temporall Authority, and saith that Ecclesiasticall persons are also subject to publicke functions, and punishable if they violate the publicke tranquillity, these are condemned bookes, and persecuted more than others. They have gelded the bookes of ancient Authors by new printing of them, and taken out all which might serve for Temporall authority.

In the year 1607. they printed in *Rome* with publicke authority, a Booke intituled *Index Expurgatorius*, where they did note the places which in divers Authors ought to be cancelled, in which book every one may with eyes behold what things are taken away or changed in many good Authors, which did defend the Authority given by God to the Prince. So that at this present in reading of a Booke, a man can no more finde what the Authors meaning was, but onely what is the Court of *Romes*, who hath altered every thing. And that above all things would be thought incredible, if it were not seene in Print.

Pope *Clement* the eight, in the year 1595. in the *Index* published a rule, that all Catholicke Writers Bookes, written after the year 1515, might be corrected and amended, not onely by taking away what is not conformable to the Doctrine of *Rome*, but also with adding to it. This Precept hath beene put in practice and executed continually these seventy yeares, though it hath beene done publicly but some few yeares since. So that if in Authors wee finde no good Doctrine favouring Temporall authority, wee know who hath taken it away. If wee finde any that favoureth the Ecclesiasticall, we know who hath put it in: and finally, we may be assured to have no booke true. Wherefore since the onely aime is to extinguish or corrupt those Bookes by which onely well-minded men might receive necessary instruction: The Secular Magistrate ought also to be circumspect

cumspected, and not suffer himselfe under faigned pretexts to bee deprived of more than heretofore hee hath beene : and when new mention is made of prohibiting any booke which treateth not of Articles of Beliefe, to informe himselfe well of the Doctrine which it containes, and of the ends for which the Court of *Rome* would forbid it, before he gives his consent : And if any good and famous Authors Booke should be new Printed, to see that the good Maximes be not taken out, or new ones inserted, contrary to the Authors intention. Yea, publicke service, justice, and honesty, would require that good Maximes should bee printed againe : and that those Bookes which have beene corrected by taking away or altering things favouring Temporall Authority given by God, should againe be restored according to the first and uncorrupted Coppies, according to the Authors meaning. And because by new prohibitions sent out under hand, the force of the agreement may not be deluded or diminished, when the Index of the yeare 1595. is printed, the agreement also should be printed at the end of it. Taking notice of the prohibiting of Bookes, is not onely necessary to prevent the extinguishing of good Doctrine in *Italy*, which beginneth now to be done, but also because that under the pretence of good, the Inquisition may not usurpe that authority which doth not belong to it ; forbidding of Bookes, which though they be evill, yet have nothing to doe with Religion, which is the second prejudice.

The Ecclesiasticals have declared unto us that they prohibit books for eleven causes, of which there be five that doe in no wise belong unto them.

The first of them is, when the Booke containeth any thing against his neighbours reputation, especially Ecclesiasticall Persons or Princes.

The second, if it containes any thing against Ecclesiasticall liberty, immunity, and jurisdiction.

The third, if with politick propositions of ancient Princes, or Historians, they favour tyranny.

The fourth, if the Booke containes conceites, or quippes against any ones reputation.

The fifth, if they containe lasciviousnesses, and other things against honesty.

There is no question, but those Bookes wherein such absurdnesses are found ought to be condemned : but every one may not doe it,
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it were breeding a confusion in the World, if every one who knoweth an order to be good, might Decree it : That belongeth to publicke authority, which onely can make a Law upon that which belongeth to her Government. He that is zealous and seeth the evill which is in a booke, let him procure the suppressing of it, and hee doe well, by his authority that may lawfully doe it.

The diligence in seeking out and discovering of an evill is commendable, but to goe about to remedy it, when it doth not belong unto him is usurpation and ambition. If by a booke the neighbours reputation bee touched, though he bee an Ecclesiasticall man it belongeth not to the Inquisition to right it. That Office is against Heresie, and is not to protect any mans reputation. The Secular power is protector of mens honours, and he is to defend it, and to punish any one that doth wrong it with deeds, words, or writings. Let the Inquisition be carefull, that by bookes there is no Doctrine sowne against the Faith ; and God hath provided a Magistrate to give a remedy if by deeds, words, or bookes, any mans reputation is wronged. If Ecclesiasticall Persons doe see any injury done to themselves or to others, it is just that they may crave the Magistrates helpe, and expect amends through him. If any thing bee written against Ecclesiasticall liberty and immunity, because it is enjoyed by privilege from the Princes ; it belongeth to the Prince to maintaine it to them, as farre as the publicke Service will permit : it were not good that every privileged Person might out of his owne power defend his privileges. Would God there were Bookes which might deserve prohibition for being against Ecclesiasticall liberty, rather than Bookes that doe deserve it ; for extending it so farre as it doth confound all government : It usurpeth and taketh away that which belongeth to the Secular, and shameth Christs Ministry, which is for Celestiall things, and not to become masters of Terrestriall, committed by God unto others. It is not a lesser but a greater evill to extend Ecclesiasticall liberty so farre, as it may become irregular, then to restraine it more than it ought to bee. What is the cause that no booke is censured ? Because it vaunts it too much, and taketh away the temporall. The best way to maintaine it is not to prohibite those bookes which keepe it within the bounds, but rather those which doe make it hideous for the absurdnesse of it : wherefore it ought not to bee denied, but if any one should write in this behalfe contrary to truth, the Magistrate ought to proceed against the author and the booke, and observe the decency and authority

thority due to the Ecclesiasticall order; but it is not just that they should right themselves. If politicke things be written, according to the maxims of Princes, and ancient Historiographers, according to all mens opinions it belongeth not to the Ecclesiasticall to judge of them: if they be tyrannicall that belongeth onely to Princes, to whom is proper the Government of States. Private men doe not understand it, and much lesse the Ministers of Christ, to whom is severely forbidden to entermiddle in it; and if any one will goe further, hee must not thinke to remedy it with his owne authority, but to signifie it to him, to whom it belongs to helpe it. As it is also most plaine that those who desire to have an unresistioned liberty, doe give the name of Tyranny to the lawfull power given by God, & to that Doctrine which opposeth it self to their attempts: so that under pretence of Religion they will become arbitrators of all Governments. The same is to be said of bookes containing conceites, or biting quippes, which directly, or indirectly doe offend in any one, and if they doe teach ill manners, lasciviousnesse, surfeits, which offend the publicke dignity; none of these excesses is Heresie, that they should belong to the Inquisition. The Inquisitor is made a Iudge of the beleefe, and not a censurer of manners. By *St. Pauls* Doctrine publicke quiet, and honour are given into the custody of Secular power, the Inquisition ought not to put her sickle into another mans harveist. This conclusion needs no subtilnesse to make it bee understood, of it selfe it is plaine and easie. To the same man belongeth to judge and punish deeds, words, and writings of the same matter, none can make question but that the offending of ones reputation, favouring of Tyranny, and dishonesty, either with deeds, or with words, are offences subject to the Secular Iudgement: Therefore those which are committed in writing also, shall belong to the same. By what reason can he pretend to censure the bookes of any of the foresaid causes, who confesseth of himselfe to have no power to censure the words, and the deeds? Since that by the Princes Ministers, such a disorder is put in practise, *vid.* that under pretence of favoring honesty, and Justice, and preserving a good name, temporall authority comes to bee usurped: peradventure because it is a very new thing, that the Ecclesiasticall power should prohibite bookes for any other cause besides that of Religion, since no Pope ever attempted it before the yeare 1550. therefore as a fresh thing, it hath not yet bene well examined; or because that some who give attendance upon publicke affaires, thinke it not ill to discharge them-

themselves of this burthen of looking over bookes, and leave it to them as desire it. But as every Government requires watchfulnesse and carefulnesse, and he that discharges himselfe of these, dispoileth himselfe also of his authority, and doth not perceive it till it be lost, and cannot be recovered againe; so the most renowned Commonwealth, which hath ordered that her Officers should over-see every booke which is Printed, to prevent any inconvenient Doctrine from coming to light, hath knowne very well that this care belongeth to the Prince, and thence is necessarily inferred that his Deputies ought also to see whether that there be any inconveniences in bookes already printed, which may hinder the reprinting of them. To the same Person belongeth the preventing of evill, to whom the reforming of an evill already sprung belongeth. If the Prince may Lawfully by the authority he hath from God, forbid the printing of a booke because it contains blasphemy against the God-head, favoureth Tyranny, offends publicke honesty, teacheth evill manners, or takes away another mans authority and reputation: Hee may also Lawfully and by the same authority prohibit them that are already printed, and doe containe the like inconveniences.

The *Index* of the bookes made in the yeare 1595. is already received with publicke authority by agreement; therefore the bookes contained in it, are to be prohibited without exception. But if hereafter it be propounded by Ecclesiasticall Persons to have bookes prohibite for any of the foresaid reasons, it must not be granted that they should doe it, but notice may be taken, and the booke prohibited by Temporall authority onely, leaving it to the Ecclesiasticall power onely, when the booke is prohibited for cause of Religion. There remains the third prejudice which is new, but of greater annoyance than the other two: because that to bee deprived of ones authority, and to lose good bookes, are indeede very great evils, but tollerable in respect of this, to be constrained to endure within their owne Dominions, a booke knowne to bee hurtfull. The Court of *Rome* though it hath assumed to it selfe to prohibite bookes, also for causes which concerned not Religion, and did not belong to Ecclesiasticall power, yet before these last yeares they have not dared to goe so farre as to say, that the Prince may not also forbid those bookes which he seeth doe breede scandall, evill example, sedition or other perturbation within his Dominion.

Cardinal *Baronius* would be the first that should free this passe, and speake it boldly, who being conveniently opposed by that Prince

who was particularly touched, none ever since hath dared to this houre to maintaine the Cardinall his enterprize. But because hereafter some may attempt the like with greater Art, or upon an opportunity, when mens eyes shall not be so open; the businesse being of such moment requireth to have the successe of that businesse briefly set downe, for a generall example and document, adding thereunto the true Doctrine, with her Grounds, answering the objected cavillations.

That Cardinall in the beginning of the year 1605. printed his eleventh *Tome* of the Ecclesiasticall Annals, wherein hee inserted a very long discourse against the Monarchie of *Sicily*. Of which discourse what concerneth the Truth of the relation, is not fitting now to be spoken of, but to be left to his proper place: This onely belongeth to the present purpose, that the discourse is full of slanders, and eagernes against many Kings of *Arragon* of famous memory, and especially against King *Ferdinand* the Catholicke, and the progenitors on the Fathers side of him who now Reigneth. The booke comming to *Naples*, and to *Milan*, was by the Kings Officers there prohibited, that it should not be sold, nor had there for the respects of their Prince, which were too apparent to every vulgar person. The Cardinall having notice of it, assembled the Colledge of Cardinals in the vacancy of the Sea of *Clement* the eight, and made an invective against those Officers, that in prohibiting of that booke had laid hands on Ecclesiasticall authority. And afterwards when *Paul* the fifth was made Pope, he writ unto the King of *Spaine*, a long Letter dated the 13. of *June* in the same year, with this conclusion amongst the rest. That to the Pope onely belongeth the approving of bookes of all kinds, much more Ecclesiasticall ones, complaining greatly that in contempt of Ecclesiasticall authority, the Kings Officers in *Italy* had prohibited his booke. The wisdom of that King thought it best to answer with deeds, and let the prohibition runne on which was published by his Officers. The Cardinall could not containe himselfe, but that printing his 12. *Tome* in the year 1607. he must insert to small purpose, a discourse of the same matter, saying formally, that it was an impious and abominable thing, that in these our most unfortunate dayes, the Kings Officers should dare to censure bookes approved by the Pope, not suffering them to be sold by the Booke-sellers, but with their Licence, which they would grant but when they pleased; yea, and would absolutely forbid the sale of them: that they doe it because the bookes rebuke their unjust

acts,

acts, and that it was to take out of *St. Peters* hands, and putting into the Princes, one of the Keyes given him by Christ, *vid.* that of knowledge to discerne good customes from bad. The Counsell of *Spaine* proceeded still with their wonted staidnesse and resolution, nor did not move for the third time, but let three yeares more run on. And in the year 1610. the King made an Edict, whereby hee condemned and forbade the booke in so grave a manner, that hee aptly touched Cardinall *Baronius*, as well as he had touched the Kings his Progenitors. And to give it the more credit and force, he caused the Edict to be published in *Sicily* with a Decree, and subscribed by Cardinall *Doria*; and was sent in print all the World over. The Court of *Rome* stood amazed, as well for the Edict, as for the execution of it done by the Cardinall, yet in *Spaine* they moved not a whit, and the Edict remaineth still in force. Certainly there cannot be imagined a higher enterprize, than to send into a Prince his Dominions, a booke in print against his Government, and to pretend it to be Lawfull, and that the booke shall be there read, kept and sold publickely, and that the Prince shall have no power to discover it and withstand it; and that under colour of Religion, and the authority of Christ given to *St. Peter*. Which pretence will be taken away if we doe but marke the Catholicke Doctrine, and the custome of the holy Church, whence the truth plainly appeares, and Cardinall *Baronius* his reasons are plainly confuted. It is a thing well knowne, that unto *St. Peter* were given the Keyes of the Kingdome of Heaven, & that many holy Fathers and Catholick Writers, meanes by the Keyes in the Plurall number, the one of Knowledge, and the other of Power; and that the power ought not to be understood Universally, but onely concerning the Kingdome of Heaven, which is the Spirituall; for the Civill, Royall and Temporall power is expressly forbidden him by Christ. So the Knowledge is not to be understood of naturall things, nor of corrections, much lesse of Politicke, Civill, or Morall things; but as *St. Paul* saith plainly, they are made dispensers of Christs mysteries onely: Wherefore if by the Ecclesiasticall authority a booke be approved to be good in matters of Faith, it cannot be condemned as bad, by any Secular power: but if the booke treateth of other matters, as of jurisdiction, of Government, of Merchandize, although it were applauded by all the Prelates of the World, yet doth not that prejudice Temporall authority, but that it may be condemned. It is a great wrong to pretend that because Christ hath given *St. Peter* the Cognisance, and power of the

Kingdome of Heaven, and forbidden him the Earthly; one may against his precept extend spirituall things to temporall. St. *Augustine* often saith, that grace doth not destroy nor take any thing away from nature, but leaving all her owne unto her, doth adde unto it Divine perfections. The Temporall power hath of its owne nature power to forbid all things which are repugnant to publicke quietnesse, and to honesty; and amongst the rest writings, and bookes which are contrary to it. Christ is not come to take away any of this authority from the Magistrates, but to leave it intire; onely he addes power to his Ministers, over things concerning Christian Faith, of which men by nature know nothing, but onely by Revelation: Therefore these ought not to assume unto themselves the power of approving of bookes which belong not to them, or to endeavour to deprive the Magistrate, of the authority which is given them by God, and by nature.

Cardinall *Baronius* alleadgeth the Epistles of certaine Writers, who have dedicated unto Popes their bookes of Histories, or of Law, or of concerning Government; and have submitted their Workes to the Popes censure: and therefore he concludes, that to him alone belongeth to approve of all sorts of bookes, and that once approved by him, none ought any further to meddle with it. But this is but a vaine reason, since it doth not make any distinction betweene Obligatory & binding words, and words of compliment. Who ever Dedicateth a Booke not onely to a Prince, but also to a private man, but that he will submit it unto him, and that with some Hyperbole of words. If we shall upon these Rethoricall colours ground Articles of Divinity, we will also finde other Epistles, which wee will give the same power to all manner of Persons: and wee shall finde many bookes of Philosophie, and of Grammar Learning, Dedicated unto Popes, with such like phrases of speaking; and should that inferre therefore that the Papacy is an Office concerning health, or a Grammar Schoole? Reverence and civill speaking is one thing, and that which must bee holden as an Article of Faith is another: But because that *Baronius* taxeth the Princes Officers with forbidding of bookes, because they reprove their unjust dealings, it will be good to speake a word concerning that; because it shall not seeme that we will have unjust things defended; nor that any should thinke that it is Lawfull under colour of reproving of things, to disturbe the publicke quietnesse. One may speake two wayes of a misdeede; by way of Thesis, or Position, *vid.* in generall without touching either Person, or

or place; or time: and to reprove in this manner, hath bin alwayes held good for the rooting out of vice: It is Lawfull for any one to write bookes in this manner. Another way is by *Hypothesis*, that is of particular case, naming of Persons and other circumstances, and that is not permitted to any but to the Lawfull Judge. Every one may write against Usury in generall, but to touch any particular instrument for usury, belongeth to none but to the publicke Judge; and the doing otherwise, is to put the World in a confusion, leaving the managing of businesses unto unjust persons. A generality may easily be considered of, and hath neede of nothing but of study and authors; but a particularity by reason of the infinitenesses of circumstances, requires an exquisite prudence and experience. It is easie to say, and to prove in generall, that the usurping the Sovereignty of a State is unjust; and Cardinall *Baronius* might have thereupon made a long Parenthesis. But to come to a particular, and say that the King of *Spain* usurpes the Sovereignty of *Sicily*, is not a cause belonging to him. And if the Kings Officers in *Naples* and *Milan*, have therefore prohibited his booke, they have not forbidden the reproving of injustice, but rather the small wisdom of him who judgeth the present possession of *Sicily* to be unjust, without having so much knowledge as was needfull for the doing of it. And if the Pope did approve the booke, intending to doe it for the places Ecclesiasticall Dominion and State, it is well: but if he did meane it also for other Princes States, so that it might not be prohibited by those who held it scandalous, that had bene an excesse, and usurpation of other mens authority, which ought not to be supposed of Pope *Clement* the eight, who was a wise Prince. And because Cardinall *Baronius* addes, that publicke Officers cannot prohibit Booke sellers, to sell bookes without their Licence, under pretence of hindering Hereticall bookes from comming in with false Titles, because that seeing such a danger, they ought with humblenesse to seeke that the Bishops may doe it: this also deserves a little consideration. And first, to take away all ambiguity; neither did any approve of doing any thing under a fained pretence, that is, to cover evill with the colour of good, this being a pernicious dissimulation; but to set up one good thing behind another, to cause it to passe without naming of it to make the execution of it easie, or for some other end, is not to be reprov'd; and the Holy Scripture doth give infinite examples of it. If an Edict were made by a Secular Magistrate, that no Booke-seller should sell bookes without Licence, because Hereticall bookes should not come in; having

having an intent that way, to hinder not onely Hereticall, but all other kind of evill bookes also, it were not a thing to be reprov'd; neither had the Cardinall any reason to enveigh against so just a thing. But it is worse when he saith that they must have a recourse to the Bishop, for that would bee a most unperfect Government which in it selfe had not a meanes to provide for a thing so necessary, and should stay for a remedy from him that should give it according to his proper interests, and not according to the publicke necessity. In matter of bookes wee ought to distinguish, that it is one thing to judge whether a booke bee Hereticall or no, which belongeth to Christs Ministers onely, neither hath Secular power any part therein. And another thing it is when a booke is knowne by the Church to bee Hereticall, to forbid it by Law, which is not so proper to the Ecclesiasticall, but that it may very laudable bee done by the Secular power.

In the Primative Church, Hereticall bookes were examined, and declared to be such by the Counsels, but not prohibited by them but by the Prince. The first Counsell of *Nice*, condemned of Hereticall Doctrine of *Arius*, the Emperour *Constantine* did forbid his bookes by Imperiall Law.

The second Counsell of *Constantinople*, did declare *Eunomias* to be a Hereticke. The Emperour *Arcadius* did prohibit the bookes of the *Eunomians* by a Law, which is in the *Theodosian Code*.

The third Counsell of *Ephesus* declared *Nestorius* to be an Hereticke, and his bookes were forbidden by a Law of *Theodosius*, which is in the body of the Civill Lawes.

The fourth Counsell of *Calcedon* condemned the *Entichians*, and their bookes were forbidden by a Law of the Emperour *Martian* who is in the same foresaid booke. This was the manner of the ancient Church, untill the yeare 800. since which time the Popes of *Rome* have declared divers Writers to be Hereticks. And the Princes have let that Declaration passe without any other Law of theirs: but it is not therefore to be said that they have deprived themselves of their authority of forbidding things hurtfull to their State. A Hereticall booke offends the Church, and disturbs a peaceable life. The first respect which is spirituall belongeth to the Ecclesiasticall, to discern good bookes from evill, and to the Secular, as Protector of the Church to helpe it. But for the second respect to withstand novelties for the publicke repose, the Secular ought not to trust to other mens care, nor have recourse to any one; but to abound in care, forbidding all what may in any respect hurt a good Government. It

It ought to be held for an undoubted conclusion, that the Secular power may forbid within its owne jurisdiction, any booke though approved by any other, and besides his power hee ought also watchfully to consider, what danger it is if his subjects doe swallow any opinion which is repugnant to good Government. I will also put it in remembrance, that as it is a great good to the Common-wealth, to have every booke that is to be printed, examined with such care, as is accustomed in this State, so it would not be of lesse good, to have every booke which is printed abroad, and brought hither examined before it be sold. It is a folly to thinke that the Common-wealth may be damnified by the printing of an evill booke, and not if it be printed in another place, and so scattered abroad. It is true, that some things may be suffered in one that is already printed, which would not be suffered in one which is not printed. But things of importance ought equally to be handled, as well in those that are printed, as in those that are to print. And as it is sometimes wisdom in the prohibiting of a booke which is printed without the State, to doe it with silence, onely intimating it to the Booke-sellers, to not have the buisnesse regarded nor spoken of, so it should bee my respectfull advice, that sometimes about bookes which are very pernicious, it should bee done by Edict and writing, for that would bee a putting in practise, the proper authority, and not giving way to them who say, that prohibiting of bookes is a thing properly, Ecclesiasticall, and that would also accustome the people to it: For if the exercising of that authority bee put off till some most urgent or most dangerous case should happen, it would run in danger of being thought to bee a novelty, and so bee disobeyed.

It is necessary before wee come out of this matter, to adde, that some others who have not dared to speake so great an absurdity as *Baronius* did, have stumbled upon another not much lesser; granting that the Prince may prohibit bookes, as seditious, dishonest or infamous: but adding thereunto, that this prohibition ought to be obeyed for feare of temporall punishment, and not because it tyeth the conscience: so that he that reads them, or keepes them secret is not culpable before God. This is a false and perverse opinion, and contrary to Christian Doctrine. St. *Paul* with precepts and plaine words saith, that every one is bound to obey temporall power, not onely because of the punishment, but for conscience sake. When one commands any thing, having not power from God, he that doth not obey him,

him doeth not offend his Divine Majesty. But disobeying in that wherein the authority cometh from God, hee himselfe comes to be disobeyed and offended.

Saint *Paul* who hath beene often alledged, but never enough, saith, that God hath given the Prince charge of tranquillity, quietnesse, piety, and honesty : and if for these respects the Prince prohibits a booke because it is seditious, another because it is impious, another because it is dishonest ; it cannot be said without contradicting St. *Paul*, that every one is not bound in conscience to obey. If it would please God to open the eyes of many, to bring to passe that this Doctrine as it is true and Christian, so it might be taught ; and the contrary as pernicious should be confuted, innumerable inconveniences would cease, which wee doe now see daily : Because if there be some in the World who doe worke for the love of honesty, the great number of the rest is divided into two sorts. The one sort are they who doe well for feare of spirituall punishments, and the other for feare of temporall punishments. When spirituall feare is taken away, their obedience is lost who thinke that they shall lye concealed, and shall through favour and other meanes, hinder and eschew the punishment : And those also which doe make no account of it, which both put together doe make a great number. On the other side let us behold, how easily some are brought to obedience, through a spirituall feare. Since God then hath given the Prince these two meanes to cause him to be obeyed, *vid.* for feare of temporall punishments, and for conscience sake ; for so St. *Paul* teacheth, it were a great losse to forgoe the second of these meanes, which is not least necessary, with letting the contrary bee spread abroad contrary to Catholicke Doctrine.

Recapitulating then the heads gathered in this matter of bookes, they will be ten. The first that those which are contained in the *Index* of the year 1595. what cause soever they are prohibited for, the Princes consent having bin to it, are alwayes to be held for such. The second, that for the time to come no prohibition bee suffered, what cause soever there be in it ; although it bee with censure, if it be not admitted by publicke authority as it was agreed. The third, that if the Ecclesiasticall shall desire the publicke consent, for prohibiting of bookes which treat of matters of Faith, so they containing themselves, their proposition being verified shall be agreed unto. The fourth, that heede shall be alwayes taken, that under pretence of Religion, Christian Doctrine be not forbidden, which defends temporall

temporall authority. The fifth, that it shall not bee granted to the Inquisitor to prohibit bookes for any other cause but onely of Heresie, but if any behad for any other respects, it shall be prohibited by the Magistrate. The sixth, that books printed elsewhere, though approved by any one else, by what authority soever ; if they be hurtfull to the Commonwealth, they shall bee prohibited by the Secular Magistrate or by a publick Edict, according to the occasion. The seventh, that in the printing againe of bookes heede be taken, that those things be not taken away which favour temporall power. The eighth, that if any of those that are gelled, in which the Doctrine maintaining temporall power is taken out, be new printed, they shall be printed againe according to the old Coppies. The ninth, that if the *Index* of the year 1595, be new printed, care be taken that no new names be inserted. The tenth, that together with the same *Index*, the agreement be printed.

There remains another poynt to be briefly touched in this matter which is not of so great importance, and yet such, as of it selfe merits some consideration. Which is, that the prohibition not being used with due moderation, is hurtfull to the sale of bookes, and to the Art of printing ; for if a booke be printed which hath bin scene by the Inquisitor and the Bishop, and by them approved, yet if at *Rome* any thing be found though of small moment, not against Religion, for in such a matter nothing can be of small moment, but against somewhat touching the Court : which the Inquisitor hath not entred into, who granted the Licence. They prohibit the booke, to his losse who caused the booke to be printed, and is in no fault having the Inquisitors approbation : and this disorder is frequent, and would be more frequent if they did not feare that upon the Booke-sellers complaints Princes would give care unto it ; for every Courtier to get credit sheweth himselfe carefull in marking the prejudices of the Court, and also the shadows of them, not onely in bookes printed out of *Italy*, but in them also which are approved by the Inquisition, and even in them which are printed in *Rome* it selfe. It were just that if any thing were found contrary to Religion, in a booke printed with approbation, the charges should be paid by him that hath approved it, since the Booke-seller is not in fault. But if any thing be found which for its owne proper respects is displeasing to the Court, it seemeth not reasonable that a prohibition should be granted, which seemeth also to be so resolved on by the agreement of the year 1595. when it saith, that for the time to come no bookes be prohibited but forraigne ones, or printed without Licence, or with false Licence,

although such words might be cavilled upon, because they have made no exception of Religion : but the agreement beeing Construed in this Sence, cannot chuse but bee Commended.



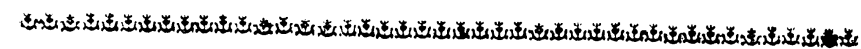
The Exposition of the 30. and 31. Chapters.

THe thirtieth and one and thirtieth Chapters which speake of Secular Arts, and of Artificers faults, can never bee too exactly observed. Every well ordered Common-wealth when some cruell kinde of offence ariseth, doth make a Magistrate a purpose to take notice of that onely, that the care of other things may not divert him. For this cause, in the Christian Common-wealth, was the office of the Inquisition appointed, which should tend onely to the rooting out of Heresie. It is most naturall for every one who hath the universall jurisdiction to put over many things to him that hath the particular jurisdiction, or suffer him to usurpe it, and it useth to be easily done, because of the great power that is given him, and because that he who hath the universall jurisdiction, employed in many businesses, sometimes doth not give heede, and sometimes (if he be not a man of good knowledge) thinks that it is a helping of him, so that he doth not onely not withstand the inconvenience, but doth favour it. A cause not belonging to him that hath the particular jurisdiction, being once taken, serves for example to take it the second time, and from divers times a Custome is framed, which afterwards serves for a Law, and cannot be taken away without many difficulties, and the universall jurisdiction comes to be diminished, and the way is opened to the disturbing of the government. By these wayes and occasions the Inquisitors against Heresie have not onely strived to draw divers other causes to their Office, but also to appropriate unto themselves the government of the trade of Bookes, and to command
divers

divers others alleadging therefore two kindes of reasons : The one is, that they doe not command any new thing, and that which without their command ought to bee done ; for if they doe enioyne the Butcher that he shall not sell fleish in Lent, hee is bound without that to not sell it ; so that the commandment is an admonishing them of their duties. So likewise they say that they doe not cause such persons to sweare any thing, but what they are bound to doe. For if they cause Booke-sellers to sweare that they will not sell prohibited Books, they are already tyde to doe it ; so there is nothing done but to adde a greater provocation to performe their owne duties. But this reason is cavillous, it being one thing to warne one of his duty, and another to command it him. The Preacher and the Confessor doe admonish, without usurping others authority, because they impose no penalty, nor use any meanes to make them obey ; this is onely a teaching which is not joyned with constraining. That commanding which carryeth in consequence a revenge against the disobeyer, although it bee a thing which is due to be done, yet is it an act of superiority and jurisdiction, which not being granted to the Inquisitors, but onely in case of Heresie, which they cannot doe it, without usurping the universall jurisdiction. So to constrain one to sweare a thing, although it be to be done, is also an act of superiority, though without the oath it ought for to be done. The other reason which they most frequently use, is yet more cavillous ; They say that the judging of Heresies, bringeth by necessary consequence all things annexed or depending of it, and that they doe not pretend to command any, nor cause them to sweare nor punish, but onely in things conjoyned with Heresie : because that Heresies are taught in Bookes, it is necessary for them to command Booke-sellers and others, through the hands of whom Bookes doe passe, and punish them which doe against it. In all these particulars it is most plaine to perceive what is just : Without doubt, to whom the judgement of a thing is committed, to him is also granted all which is joyned to it, so that it cannot be severed. Wherefore all which in such manner is joyned with Heresie, ought to bee judged by the Inquisition, but that which of it owne nature is severall, and may severally bee judged, although by some farre fetcht Consequence it might be joyned ; in this manner every offence, yea, and every action might bee joyned with Heresie.

As for the matter of Bookes, those alone which containe Heresie, are subject to that Office. and those booke-sellers which doe keepe or sell any, and these ought to be punished by the Inquisition: it doth not follow therefore that the Inquisitor may burthen Booke-sellers with receiving of viuites, to make Inventaries, to receive Licences, to sell from them; and such orders as they often attempt to make: likewise to eat forbidden foode at forbidden times, is an evidence of an evill conceite in matters of Faith, and other circumstances which are thereunto adjoynd, and the Office proceeds against him that is accused; but he hath nothing to doe with it that sells the food or presses it, because that it is to be supposed that these doe it for their gaine. But because the desire of gaine is so unrul'd, that oftentimes exceeding, it doth induce men to commit things against honesty, if any one should sell in such manner as that it should provoke to evill, or should cause any other scandall, this is not joyned with Heresie. The Magistrate without speaking of Faith, or of Doctrine, may punish the fault, and give such order as shall be necessary for the preservation of honest, and of religious living; and according to the honour of the City. Wherein the Inquisition may also practise her good zeale, in shewing the Magistrate the inconveniences which it sees, and shewing them the remedy, and procuring also the punishment of offenders: but by the meanes of the ordinary Justice, to whom alone it belongeth.

The Exposition of the two and thirtieth Chapter.



As for the two and thirtieth Chapter, that it shall not bee permitted to the Inquisition to make any monitories against a Commonalty, nor against the Judge in that which concernes ministering of Justice: the reason is cleare, because Heresie is a Personall offence; all those which are of a Commonalty may be Hereticks and suspected, but the Commonalty never. Wherefore if they treat of offence, they ought not to proceed but against the persons imputed in particular; and if ordinances, or orders which have bin taken bee treated of, the power of the Inquisition doth not stretch it selfe over them, but onely by meanes of the Prince his representant, who hath authority from the Prince to command. Likewise the Judge for his private actions or words may be suspected, for Heresie, but never for that which he doth in ministering of Justice, it not being possible for him

him in that to fall into Heresie, whereby his judiciall actions should become subject to the Inquisition, but they remaine subject to his superior, and finally to the Prince: So that if by any of them the office of the Inquisition should be hindred, the Inquisitor can doe no more but by the meanes of the publicke representant take away the lets; As if the Inquisitor should call one either as an offender, or as a witness who were by the Judge stayed for a surety, or in any other manner the Inquisitor must not be suffered to make a monitory to the Judge that hee may be released, but that shall be the office of the superior Magistrate; the like is of any other judiciall act. *vid. to cite, to suspend, or revoke, to not give way of proceeding to the Inquisition.*

The Exposition of the three and thirtieth Chapter.

As touching the three and thirtieth Chapter, which treateth of the Edict. It was an ancient custome that when the office of Inquisition was newly settled in some place, they published first an Edict called of Grace, inviting within a certaine time every hereticke to repentance, promising pardon; which time being past, they published another Edict called of Justice, where all were warned who had any notice of any Hereticke, for to denounce him: This matter in our age hath beene divers wayes proceeded in. Some Inquisitors when they have beene deputed into places where the Inquisition is already established, have made these two Edicts at their coming into their Office, but this hath hapned but seldome. Others have made the second of Justice onely: and others have repeated it also many times besides the first, and that was done for to adde some new thing which the accidents might bring along with them. If any Inquisitor should have a minde to publish the Edict of Grace, hee neede not be forbidden it, for it cannot prejudice temporall authority, nor be burthensome to the subject: onely one ought to take heede concerning the Edict of Justice, for oftentimes they doe attempt to insert therein some commands to Booke-sellers, Hosts, or letters of Chambers; and they cover themselves with saying, that it serveth onely to advise them, which must not be permitted them, because to advise by Edict, Proclamation, or affixion, are signes of superiority: and it is also a legall thing that he who warneth by Edict, may also punish the offenders. Wherefore if one will not grant them the punishing, they must not give them way to warne by Edict, in that particular where it nameth Hereticall blasphemers, it must bee all

understood, as in the one and twentieth Chapter, and in that part which is against them who doe offend, the ministers of the Office the denouncers, or the witnesses, the adjoynd limitation must bee well marked, that is for deedes which concernes the said Office, because an abuse should not be brought in, which hath bin often attempted by the Inquisitors, that they might alone doe Justice against their owne Officers, and against any as have bin once examined in that Office, and punish all them who doe offend them for what cause soever it be: for this clause for deedes which concerne that Office, doth remove all difficulties. If any one offend a Minister of that Office, he shall not be comprehended, but shall be Iudged in the ordinary Court, and because the case was assumed from the Inquisition, it must plainly appeare, that the offence was done because of the office: and any one may likewise call the same Ministers into the ordinary Court for any other cause; and particularly for that cause which shall be unfolded in the nine and thirtieth Chapter.

The Exposition of the foure and thirtieth Chapter.

IT was wisely ordered by the most excellent Counsell of Ten, of cases happening in Castles or Villages, that they should be handled in the Cities, as in the 24. Chapter, for doing otherwise, the way was made to take away the assistance, if the Inquisitors might have gone, or might have sent into Villages, or Castles to frame Processes, for then they might have framed secret ones, and so have hit upon all those inconveniences which the Assistance prevents.

The Exposition of the five and thirtieth Chapter.

Likewise the five and thirtieth Chapter was needfully ordained which serving onely to take away the competency of the Court amongst the representants, & being for the Inquisitors good, who may more commodiously deale in the place of his Residence, there needs no other consideration.

The Exposition of the thirty sixe and thirty seven Chapter.

VPon the sixe and seven and thirtieth, there needeth likewise no more to be considered, since they are to give just punishment to the guilty, which can not be given by the Office, and it is so much the greater favour done to the faith, as the more severely that the stubborn are punished.

The

The Exposition of the eight and thirtieth Chapter.

THe eight and thirtieth Chapter, which imposeth punishment on them who are cited, or examined in other places for Heresie, if they retire themselves into this state, it is not to bee supposed for the offence, because that the examined or cited in other places might be punished with other punishments: and therefore in the order it reserved to the Inquisition, to give him also other punishment. The Inquisitors use to advertise one another when those that are examined by them, are to goe into some other place. Wherefore if any that hath bin examined or cited else where, should happen into this state, the Inquisitor of this place would be informed of it, & the office would Decree that he should be retained, to which the representant should agree; then the office ought to provide according to the tenure of the 16. Chapter, *vid.* sending of the Evidences to the Inquisition of that City where the party is in prison, which should proceed and come to the execution of the cause, whence would follow that either the accused person would be freed, or receive deserved punishment, but which soever of the two should happen, the publick will is, that such a one be punished with imprisonment and banishment, onely for coming hither, knowing himselfe to be examined: and this Ordinance is good to keepe it still alive, because it sheweth the pious Government of this renowned Commonwealth, which will purge their State not onely of Hereticks, but also of such as are suspected or discovered, & will take away the thought and all hope from any suspected person, of expecting any better condition in this State than else where.

The Exposition of the last Chapter.

THe last Chapter of Calumniators and false witnesses, is of great consideration, not so much to maintaine the proper jurisdiction, nor taking away that which belongs to others, as for the defence, & protection of the subjects, which being granted by God to the Prince, when he suffereth them to be oppressed without justice, he grievously offends the Divine Majesty. It is an ordinary custome of the Office of Heresie to punish very seldome times calumniators or false witnesses, but excuse them upon any the least seemingnesse that they can shew them, moved by a good intention, saying that it ought not to be supposed that in matters of faith a Christian be moved for any bad end, and

and if that they cannot avoyde the punishing of some, they do it with very slight punishments, and they are spirituall, that to other affrighted by the punishment of these, might not feare to denounce, or to retell. For thence it would follow, that many things would bee concealed which are discovered, doing great service to the Faith, which ought to bee preferred to the punishment of them although they deserved it. Whether this caution bee just or no, is a matter which must now be left out, and onely consider that it is a great lightning and comfort to a wretch, that seeth himselfe calumniated, when there remaineth a way to releas himselfe, with the punishment of the calumniators, and false witnesse in other Courts, since that in this they do not use it. The Inquisitors would not have the accused who have bin calumniated by no meanes have power to have recourse to any other Tribunall, and so they write in their bookes, alledging for reason, that the injury is done to that Tribunall, to which that falsary hath not borne respect; and therefore it ought to be judged by it, and that it cannot bee judged but onely by a processe framed in that Office, which is not just that it should be remitted to other Courts: But contrariwise, other Doctors doe hold that calumny and false witnesse being no Heresie, doth not belong to the Inquisition, but unto the ordinary superior Court of the calumniator, or of the false witnesse, and especially because these ought rather to be punished with temporall punishments, of cutting off the Tongue or the head, than by the Inquisition. Other more discreet Lawyers approving the reasons on both sides, distinguish, that the calumny or falsity, may either appeare out of the Processe framed in the Office of the Inquisition, without any new framing; as when the witnesse (which happeneth often) goeth of himselfe to revoke his saying, & to aske pardon, & in other like, which do notoriously appeare by the onely sight of the Processe, and in this case the judgement belongs to the Inquisition, and the Inquisitors reasons doe prevaile. But if out of that Processe the calumny cannot appeare, and there be neede of new instance and Processe, either by complaint, or by office, the judgement belongs to the ordinary Court: which is effectually proved by the reasons alledged by the contrary part, because that calumny & falsity are not Heresie, nor Ecclesiasticall offences, but meere Secular: neither is there any neede of seeing the first Processe, because it is proceeded in with other instance, and other Processe. This advice as well grounded, and without interest, ought to be put in practices.

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